

FBI

Date:

6/19/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
(ATTN: INTELLIGENCE DIVISION)

FROM: SAC, WFO (65-11613)

UNITED STATES VERSUS ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

Re Bureau airtel to WFO 6/15/73.

Enclosed for the Bureau are five copies of an FD-302 reporting information furnished by Deputy Assistant Attorney General KEVIN T. MARONEY concerning his knowledge of the receipt of certain film by the Department and possibly a camera belonging to the Central Intelligence Agency (CIA) used in connection with the burglary of the office of Dr. LEWIS FIELDING, DANIEL ELLSBERG's psychiatrist.

For the information of the Bureau, information furnished by Deputy Assistant Attorney General MARONEY will later be incorporated in an appropriate LHM to be prepared by WFO in connection with investigation to determine if violations of Federal Statutes were involved in the use of CIA material by the Special Investigation Unit of the White House.

LEAD

WASHINGTON FIELD.

AT WASHINGTON, D. C. Will contact Departmental Attorney JOHN MARTIN who was acting as Chief of the Analysis and Evaluation Section of the former Internal Security Division of the Department at the time of the ELLSBERG investigation to determine if he can furnish any information about an allegation film used in connection with the burglary of FIELDING's office was furnished to the Department.

- ② - Bureau (Enc
1 - WFO

CAR:lsh
(3)

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

84 JUN 27 1973

U.S. Government Printing Office: 1972 - 455-544

80

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/19/73

Deputy Assistant Attorney General KEVIN T. MARONEY, Criminal Division, Department of Justice, was advised this inquiry was being conducted at the request of Assistant Attorney General (AAG) HENRY E. PETERSEN to identify and interview the person or persons in the Department who may have received films and a camera belonging to the Central Intelligence Agency (CIA) and which were allegedly used by G. GORDON LIDDY, E. HOWARD HUNT or others in connection with the burglary of the office of Dr. LEWIS FIELDING, DANIEL ELLSBERG's psychiatrist. Mr. MARONEY furnished the following information:

Mr. MARONEY is aware of no information indicating this film or the camera actually came to the Department. The only thing he or the Department has learned about the photographs surfaced a few weeks after information about the burglary was reported to the Department on April 16, 1973 by the United States Attorney's Office, Washington, D. C. AAG PETERSEN called Mr. MARONEY one morning for consultation. The AAG had what Mr. MARONEY believes were two separate packages of documents attached to transmittal letters which Mr. MARONEY believes were from CIA to the Federal Bureau of Investigation (FBI). One of the packages had been transmitted in July or August, 1972, the other in October, 1972. The Department has copies of these packages. The packages consisted of documentary material furnished by CIA to the Department in response to an inquiry from the Criminal Division of the United States Attorney's Office made in connection with the Watergate case.

According to Mr. MARONEY, apparently someone had testified before the Grand Jury hearing the Watergate matter in May, 1973 and indicated the Department had been previously advised in 1972 about CIA assistance given to HUNT and possibly also to LIDDY by way of furnishing a camera, identifications, disguises and other material.

That testimony apparently prompted Mr. PETERSEN to cause a file search which produced the packages. The packages also contained Xeroxed copies of some photographs (number not specified) which were exterior shots of a building and included a photograph of a parking area.

Interviewed on 6/18/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] and CAR:1sh Date dictated 6/19/73

ENCLOSURE

65-2411-4723

WFO 65-11613

CTB:lsh

2

In the photograph of the parking area it was then noted that there were name plates on a wall reserving parking spaces. One name plate bore the inked-in notation "reserved for Doctor FIELDING". The name plate next to this bore a similar notation "reserved for Doctor so and so". Mr. MARONEY has forgotten the name on the second plate.

The discovery of the inked-in name plate at this time in light of the previous disclosure about the burglary marked the first time the name "FIELDING" took on any significance to EARL SILBERT of the United States Attorney's Office, to Mr. PETERSEN or to anyone else in the Criminal Division of the Department. The discovery marked a realization for the first time that photographs had been made on the trip to the West Coast by HUNT, LIDDY or others. According to Mr. MARONEY's knowledge, the time of this discovery also marked the first occasion anyone in the former Internal Security Division of the Department had seen the photographs.

The Department, after looking at the Xeroxed copies of the photographs, checked with the CIA to determine if they had the prints. Mr. MARONEY contacted JOHN GREANEY, Assistant General Counsel, CIA, within a few days of the discovery. GREANEY checked with the Agency's people who had something to do with developing the film at HUNT's request and he later advised Mr. MARONEY the film and camera had been returned to HUNT after the photographs were developed. All that CIA Photographic Laboratory Personnel or whoever was involved in developing the film for HUNT had kept were the Xeroxed copies of the prints.

The two packages of CIA documents which indicated CIA assistance given to HUNT, together with the Xeroxed copies of the photographs, were delivered by the Department to DAVID NISSEN, Government Prosecutor in the ELLSBERG case to be turned over to the Court. The material was turned over to Judge BYRNE on May 7, 1973.

1-Mr. Eardley
1-Mr. Miller
1-Mr. Gebhardt
1-Mr. Wagoner
June 19, 1973

Mr. Archibald Cox
Special Prosecutor

Acting Director, FBI

BY COURIER SERVICE

DANIEL ELLSBERG

Reference is made to your letter dated May 30, 1973, which requested certain investigation by the FBI relative to the burglary of the office of Daniel Ellsberg's psychiatrist.

Reference is also made to a telephonic discussion of the Ellsberg matter on June 18, 1973, between Special Agent James R. Wagoner of this Bureau and Mr. Philip Heymann of your office.

Enclosed are two copies of a report made by Special Agent Richard F. Kilcourse dated June 8, 1973, at Los Angeles, California. This report sets forth the results of our investigation concerning the burglary of the office of Daniel Ellsberg's psychiatrist. Additional pertinent information developed will be furnished you upon receipt.

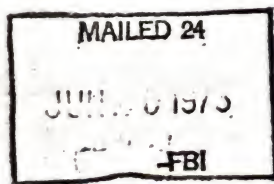
Enclosures (2)

JRW:nlb (7)

REC-34

EX-104

65-7461
JUN 20 1973



EM

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baize _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mr. Hogan _____

84 JUN 26 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

F B I

Date: 6/19/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTELLIGENCE
DIVISION

FROM: SAC, WFO (65-11613)

U. S. VS. ANTHONY J. RUSSO, JR.
AND DANIEL ELLSBERG

Re Bureau airtel to WFO 6/15/73.

Enclosed for the Bureau are 5 copies of an FD 302 reporting information furnished by Deputy Assistant Attorney General KEVIN T. MARONEY, concerning his knowledge about whether Assistant Attorney General ROBERT C. MARDIAN delivered or authorized delivery of FBI information or material to the Special Investigative Unit of the White House.

In conjunction with information set forth in the enclosure, Deputy Assistant Attorney General KEVIN T. MARONEY furnished the following additional information which is responsive to investigation requested by the Acting Director as set forth in re Bureau airtel.

1. Normal procedure for the Internal Security Division (ISD) personnel is to initial documents marked for their attention and to draw a line through the name where inscribed on the document. A second method used to show the document has been reviewed is for the

②- Bureau (Enc. 5)
1- WFO

CAR:dah
(3)

EX-109
ENCLOSURE
4/24/73
JUN 20 1973
FBI

REC-24

16 JUN 20 1973

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

84 JUN 27 1973

U.S. Government Printing Office: 1972 - 455-574

WFO 65-11613

reviewing officer to write "noted" on the document and then initial it. Mr. MARONEY, in routing material, sometimes only checks the subject matter and then forwards it by "back slip" to the person having an interest in it. Sometimes, as noted in the enclosure, file copies may be marked for dissemination, Xerox copies made and then sent to the designated individuals for their files.

2. Information as to whether ISD retained all copies of FBI documents and retained copies of documents found in the office of E. HOWARD HUNT was not, of course, readily available to Mr. MARONEY and this specific matter was not discussed with him. WFO will initial the appropriate Departmental checks to determine if ISD retained all FBI documents and in particular, copies of documents found in HUNT'S office.

DOES 3. As a matter of normal procedure, ^{THE} Department ~~do~~ not transmit copies of FBI reports to other Departments or Agencies. Rather, the Department or Agency having interest in the FBI material is requested by the Department of Justice to contact the FBI for that information or the FBI may be requested to forward the information to the interested Department or Agency.

4. Deputy Assistant Attorney General MARONEY'S comments set forth in enclosed FD 302 reported ~~his~~ his knowledge as to whether ISD furnished FBI material to HUNT or G. GORDON LIDDY.

LEAD

WASHINGTON FIELD

AT WASHINGTON, D. C. WFO will contact Departmental Attorney JOHN MARTIN for additional information pertaining to: 1. The filing and dissemination of FBI material by ISD.

2. Possible dissemination of FBI material by Assistant Attorney General MARDIAN to the White House Special Investigative Unit.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/19/73

1

Deputy Assistant Attorney General (DAAG) KEVIN T. MARONEY, Criminal Division, Department of Justice, was advised investigation was being conducted at the specific request of Special Prosecutor ARCHIBALD COX to determine whether Departmental officials know whether former Assistant Attorney General (AAG) ROBERT C. MARDIAN delivered or authorized delivery of any Federal Bureau of Investigation (FBI) information or material to the so called Special Investigative Unit of the White House, commonly referred to as the "Plumbers." Mr. MARONEY furnished the following information:

During the period of the DANIEL ELLSBERG investigation, AAG MARDIAN headed the Department's Internal Security Division; A. WILLIAM OLSON was his principal Deputy. Mr. MARONEY, then serving as DAAG handling the Litigation Section of the Division did have some, though limited, contact with the investigation. The Analysis and Evaluation Section of the Division was under the direct supervision of DANIEL J. McAULIFFE with Departmental Attorney JOHN MARTIN acting as Chief of the Section. DAVID NISSEN was taken on as a Special Assistant to handle the ELLSBERG case and it was MARTIN'S responsibility to follow the investigation on a day-to-day basis and collate this information for NISSEN.

Mr. MARONEY knows that some people from the White House, probably EGIL KROGH, DAVID YOUNG, G. GORDON LIDDY, and E. HOWARD HUNT, were periodically briefed on the status of the ELLSBERG investigation. These were oral Departmental briefings, held in the office of AAG MARDIAN at the Federal Triangle Building. They were large sessions including in addition to White House personnel, MARDIAN,

Interviewed on 6/18/73 at Washington, D. C. File # WFO 65-11613
by [REDACTED] CAR:dah Date dictated 6/19/73

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ENCLOSURE 65-11613-4424

MARTIN, OLSON, and some FBI personnel.

Mr. MARONEY does not recall how frequently the briefings were conducted. He does recall attending one session at which LIDDY was present. Mr. MARONEY does not recall whether he (MARONEY) attended other briefings. Departmental attorney JOHN MARTIN kept detailed results of the briefings and Mr. MARDIAN was fully appraised of these results.

In addition, White House personnel were probably given Departmental summaries on the status of the investigation, the summaries probably going out over Mr. MARDIAN'S signature. Original summaries should be presently located in the Departmental files, in the files of the Section handling the case, or with MARTIN or Mr. MARDIAN.

Mr. MARONEY does not know personally that FBI reports were sent to the White House in the ELLSBERG case, but would not be surprised if Mr. MARDIAN did, in fact, give the White House copies of FBI material. Mr. MARONEY did not then realize that the Special Investigative Unit may have been conducting an independent investigation in addition to following the "leak" problems. He has no information as to whether Mr. MARDIAN delivered or authorized delivery of FBI information or material concerning the International Telephone and Telegraph, DONALD SEGRETTI, or Watergate investigations to the Special Investigative Unit.

With specific reference to an FBI report prepared at Los Angeles, July 29, 1971, a copy of which was found in HUNT'S office, Mr. MARONEY stated the names "DOHERTY, McGRATH, DAVITT, YATES, CLARKSON," were probably inscribed on the front page of the file copy of the report "in MARTIN'S shop" by whoever was charged with responsibility for dissemination of that report to persons in the Division with interest in the investigation. The report

WFO 65-11613

3

was probably Xeroxed, the Xerox copies sent to those so designated and they in turn placed the copies in their own ELLSBERG files. Not everyone on the list necessarily saw the file copy of the report.

FBI

Date: 6/19/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTD

FROM: SAC, WFO (65-11613)

U.S. VS ANTHONY J. RUSSO, JR., AND
DANIEL ELLSBERG

ReBuairtel to WFO 6/15/73.

Enclosed for the Bureau are 5 copies of an FD 302 reporting information furnished by Deputy Assistant Attorney General KEVIN T. MARONEY concerning his knowledge of the sequence of events that transpired subsequent to receipt by the Department of Justice of an allegation that the office of DANIEL ELLSBERG's psychiatrist, Dr. LEWIS FIELDING, had been burglarized.

EX-109

REC-71

2 - Bureau (Enc 5)
1 - WFO

CAR:jak
(3)

ENCLOSURE

16 JUN 20 1973

UNRECORDED

DATE - 6/21/73

WFO
FIVE

Approved: _____

Sent _____ M Per _____

84 JUN 27 1973 Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

FEDERAL BUREAU OF INVESTIGATION

6/19/73

Date of transcription

Deputy Assistant Attorney General KEVIN T. MARONEY, Criminal Division, Department of Justice, was advised he was being contacted at the request of Special Prosecutor ARCHIBALD COX regarding his knowledge of the sequence of events which transpired subsequent to receipt by the Department of an allegation that the office of DANIEL ELLSBERG's psychiatrist, Dr. LEWIS FIELDING, had been burglarized. Mr. MARONEY furnished the following information:

Mr. MARONEY first heard of the alleged burglary on the morning of April 18, 1973 when Assistant Attorney General (AAG) HENRY E. PETERSEN called him and read to him a one paragraph memorandum dated April 16, 1973, addressed to Mr. PETERSEN from EARL SILBERT, United States Attorney's Office. The memorandum advised of the alleged burglary. Mr. MARONEY obtained the SILBERT memorandum from Mr. PETERSEN about Noon that day and was instructed by Mr. PETERSEN to check on the allegation.

Mr. MARONEY then contacted Departmental Attorney JOHN MARTIN instructing him to check the information in the SILBERT memorandum and determine if there was anything in Departmental files indicating the burglary had been committed or containing any information that might have come from the burglary. Mr. MARONEY described MARTIN as the Departmental Attorney most familiar with the evidence in the ELLSBERG investigation.

On that same day, April 18th, after making the requested check, MARTIN assured Mr. MARONEY he was unaware of any information developed in the ELLSBERG case that could possibly have emanated from such a source. Again, that same afternoon, MARTIN and Mr. MARONEY called SA [REDACTED] Federal Bureau of Investigation (FBI) Headquarters. SA [REDACTED]

Interviewed on 6/18/73 at Washington, D. C. File # 65-11613
by [REDACTED] and [REDACTED] CAR:jak Date dictated 6/19/73

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ENCLOSURE

4425

supervised FBI investigation of the ELLSBERG case. SA [REDACTED] said he had absolutely no knowledge of any such alleged burglary nor of any information that could possibly have come from such a source.

Mr. MARONEY thereupon instructed MARTIN on April 18th, to check with DAVID NISSEN, Government Prosecutor in the ELLSBERG case concerning all Government evidence and investigative files. NISSEN told MARTIN no information had come to his attention during the course of the case which could have come from such a source. The three individuals within the Department most knowledgeable about the ELLSBERG case (Departmental Attorney MARTIN, Prosecutor NISSEN and SA [REDACTED]) were unaware of any information that might have emanated from the alleged burglary.

MARTIN incorporated the results of his three checks (Departmental files, FBI files, NISSEN files) in a memorandum for Mr. MARONEY on the afternoon of April 18th and this was turned over that same day, together with Mr. MARONEY's "buck slip" to Mr. PETERSEN. The MARTIN memorandum and buck slip were both dated April 18, 1973.

Mr. MARONEY thinks he discussed the legal ramifications of the allegation with Mr. PETERSEN when he gave him MARTIN's memorandum and his own buck slip, specifically whether BRADY vs the U.S. was material. Both Mr. MARONEY and Mr. PETERSEN reached independent determinations that the allegation about the burglary was not BRADY material. The Government was not in possession of any information that might have come from the burglary.

Further, Mr. MARONEY thinks he may have also discussed with Mr. PETERSEN at this time a question of possible violation of ELLSBERG's constitutional rights i.e. the doctor - patient privilege. In the federal system, however, there is no doctor - patient privilege. It did not appear then that there had been

a violation of ELLSBERG's constitutional rights as far as that trial was concerned.

Mr. PETERSEN took the memoranda (SILBERT's and MARTIN's). Later, on the same evening (April 18, 1973) or perhaps on the following evening, Mr. MARONEY received a call at home from Mr. PETERSEN. The AAG told Mr. MARONEY not to mention the allegation to anyone else and Mr. MARONEY believes Mr. PETERSEN added "the President's orders". Mr. PETERSEN's words "were just that cryptic". Neither Mr. PETERSEN nor Mr. MARONEY had further discussion about this instruction. Mr. PETERSEN did not say to Mr. MARONEY he had spoken with the President but Mr. MARONEY was under the impression he had. Mr. MARONEY has no recollection that Mr. PETERSEN ever specifically said to him in any of their discussions on this matter that he had discussed it with the President.

Shortly after April 18, 1973, possibly April 19, 1973, Mr. MARONEY may have talked with NISSEN about the constitutional problem in the allegation i.e. a possible violation of a doctor - patient relationship having been committed in the burglarizing of the office of ELLSBERG's psychiatrist. Mr. NISSEN was of the opinion there was no problem, the doctor - patient privilege was not recognized in the federal system. The Government's evidence was untainted.

Mr. MARONEY may have again discussed the question of ELLSBERG's constitutional rights with Mr. PETERSEN some time after April 18, 1973 but before April 25, 1973.

Mr. MARONEY's next contact with this matter occurred about 5:00 PM, April 25, 1973, when Mr. PETERSEN called him to his office. The AAG handed Mr. MARONEY a package which included SILBERT's memo, MARTIN's memo, Mr. MARONEY's buck slip and a memorandum to Mr. PETERSEN dated April 25, 1973 from Attorney General KLEINDIENST advising a disclosure must be made immediately to the Judge and counsel and authorizing and directing Mr. PETERSEN to contact NISSEN to take appropriate action as soon as

possible. The AAG remarked to Mr. MARONEY "the Attorney General has decided we should disclose SILBERT's memo". Then, as an afterthought, Mr. PETERSEN asked in substance, "Do you think we can withhold this based on national security?" Mr. MARONEY answered "no". Mr. PETERSEN then instructed "well, have NISSEN go ahead and file it". Mr. MARONEY gave the three memoranda to Departmental Attorney JOHN MARTIN and instructed him to transmit the material by telecopier to NISSEN and this was done on that same evening.

Mr. MARONEY also talked with NISSEN. Mr. MARONEY was at home at the time and he believes it was on April 25, 1973, but he does not know if NISSEN had received the memos at that time. He discussed the memos with NISSEN and told him the SILBERT memo was to be turned over to Judge BYRNE in camera in the first instance. This latter instruction was a modification of the Attorney General's order that the information was to be turned over to the Judge and counsel but the modification was previously cleared with Mr. PETERSEN.

Mr. MARONEY is certain NISSEN filed the information with the Court as soon as possible either that day or on the following morning.

FBI

Date: 6/20/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowser	_____
Mr. Herington	_____
Mr. Conmy	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

TO: ACTING DIRECTOR, FBI (65-74060)

ATTN: INTD

FROM: SAC, WFO (65-11613)

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

ReBuairtel to WFO 6/15/73.

Enclosed for the Bureau are 5 copies of an FD 302 reporting interview with Solicitor General ERWIN N. GRISWOLD concerning his discussion 4/25/73 with then Attorney General KLEINDIENST concerning captioned matter.

EX-109

REC-27

65-74117-4426

ENCLOSURE

2 - Bureau (Enc.5)
1 - WFO

CAR:jak
(3)

JUN 25 1973

Approved: _____

Sent _____ M Per _____

Special Agent in Charge

84 JUN 27 1973

U.S. Government Printing Office: 1972 - 455-574

FEDERAL BUREAU OF INVESTIGATION

6/20/73

Date of transcription

ERWIN N. GRISWOLD, Solicitor General of the United States, was advised investigation was being conducted at the request of Special Prosecutor ARCHIBALD COX to determine the sequence of events that took place following notification given to the Department of Justice April 16, 1973 of an allegation the office of DANIEL ELLSBERG's psychiatrist had been burglarized, until April 27, 1973, when the Court in Los Angeles was informed about the allegation. Mr. GRISWOLD furnished the following information:

On April 25, 1973, Attorney General (AG) KLEINDIENST asked Mr. GRISWOLD to accompany him as the AG drove to a luncheon. The AG appeared to be troubled and obviously had something on his mind. En route, the AG asked Mr. GRISWOLD's opinion about the Government's obligation to disclose information to the Court about an illegal act which the AG did not further describe but which had been committed against a person then on trial. The question was framed in terms to indicate the offense was against a psychiatrist's house - but DANIEL ELLSBERG's name was not mentioned. Mr. GRISWOLD is certain the AG did not say the offense was done under authority of the United States Government

The AG did not specifically mention "burglary" when first asking the question, and assuming he had in mind a wiretap, Mr. GRISWOLD told the AG the information should certainly be made known to the Court. Mr. GRISWOLD's conclusion was based on the assumption most wiretaps are done with Government authority. The AG then indicated he was talking about a burglary and not a wiretap.

Mr. GRISWOLD indicated there were a number of facets in the question asked by the AG. If the matter involved information furnished the Government as a result of a burglary perpetrated by a private party, information about the burglary probably should

Interviewed on 6/19/73 at Washington, D. C. File # 65-11613
by [REDACTED] and [REDACTED] CAR:jak Date dictated 6/20/73

be made known; if local authorities seized something and furnished it to federal authorities for use in a federal case under "The Silver Platter Doctrine", information about the burglary ought to be disclosed even though federal authorities played no role in it. If, on the other hand, the burglary was carried out by Government authorities, information about it must be disclosed. Accordingly, Mr. GRISWOLD advised the AG that in his opinion it should be made known to the Court a burglary had been committed.

Mr. GRISWOLD added it was his impression the AG also thought the burglary should be disclosed.

1-Mr. Eardley
1-Mr. Miller
1-Mr. Gebhardt
1-Mr. Wagoner
June 22, 1973

Mr. Archibald Cox
Special Prosecutor

Acting Director, FBI

DANIEL ELLSBERG

Reference is made to your letter dated May 30, 1973, requesting investigation into all the details and ramifications of the burglary of the office of Daniel Ellsberg's psychiatrist.

Enclosed are two copies each of four FD-302s setting forth the results of interviews of Mr. Erwin N. Griswold, Solicitor General of the United States, and Deputy Assistant Attorney General Kevin T. Maroney

It is noted in connection with the interview of Mr. Maroney concerning the sequence of events which transpired subsequent to the receipt by the Department of the allegation that the office of Daniel Ellsberg's psychiatrist had been burglarized, he made reference to the fact that Special Agent [redacted] of this Bureau was contacted. The purpose of this contact was to determine if the FBI had any knowledge of the burglary or any knowledge of information which could possibly have come from a burglary.

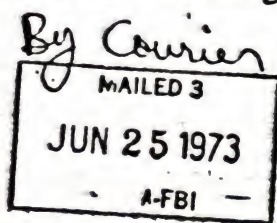
Our records reveal that Mr. Maroney did telephonically contact Special Agent [redacted] April 18, 1973, advising that information had been received by Assistant Attorney General Henry E. Petersen from a source unknown to Maroney that G. Gordon Liddy and E. Howard Hunt had allegedly burglarized the office of Daniel Ellsberg's psychiatrist. While the identity of the psychiatrist was not known, Maroney with prompting from Departmental Attorney John Martin, mentioned Dr. Robert Akeret, 697 West End Avenue, New York City, as a possibility since his identity and association with Ellsberg had been previously developed in the investigation.

10 JUN 25 1973

Maroney inquired whether the FBI had any knowledge of the burglary and/or whether any lead material was furnished the FBI in connection with the Ellsberg investigation which could have emanated

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Snyers _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herrington _____
Mr. Conroy _____
Mrs. Hogan _____

JRW:nlb (7)



(SEE NOTE PAGE 2)

84 JUN 27 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

REL
WAF
Rigley
EM/waf
JRW

Mr. Archibald Cox

from a burglary. Mr. Maroney was assured that the FBI had no knowledge of the burglary of the office of anyone associated with Ellsberg and no lead material which could have emanated from such activity had been furnished to the FBI by anyone. It was subsequent to this contact by Mr. Maroney that the identity of the psychiatrist involved was established as Dr. Lewis Fielding of California.

In connection with the interview of Mr. Maroney regarding the identification and interview of the person or persons in the Department who may have received films and a camera belonging to the Central Intelligence Agency, Mr. Maroney referred to what he believed were two separate packages of documents attached to transmittal letters from the Central Intelligence Agency to the FBI. He said Xerox copies of some photographs which were exterior shots of a building and a parking area were included in this material. We are attempting to locate this material and you will be advised of the results.

Enclosures (8)

NOTE:

Interviews of Maroney and Griswold were previously approved by the Acting Director. The interview of Griswold concerned his knowledge of events prior to the transmittal of the information regarding the burglary of the office of Ellsberg's psychiatrist to Judge Byrne in Los Angeles who was hearing the Ellsberg trial. The interview of Maroney related to the same sequence of events as well as the alleged furnishing of film and a camera belonging to the Central Intelligence Agency to the Department of Justice and the apparent transmittal of raw FBI material to the White House by the Department.

FBI

Date:

6/22/73

Transmit the following in _____

(Type in plaintext or code)

Via

AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)

ATTN: INTELLIGENCE DIVISION

FROM: SAC, WFO (65-11613)

U.S. v. ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

Re Bureau airtel to WFO dated 6/15/73.

Enclosed for the Bureau are five copies of an FD 302 reporting information furnished by former Attorney General RICHARD G. KLEINDIENST concerning his knowledge about whether FBI documents and material were furnished by the Internal Security Division of the Department of Justice to the Special Investigation Unit of the White House.

EX-117

REC-37

65-74060-4429

7-2
JUN 25 1973

- (2) - Bureau (Enc. 5)
1 - WFO

CAR:jab
(3)

ENCLOSURE

INTELLIGENCE DIV
JUN 25 1973

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 6/22/73

RICHARD G. KLEINDIENST, former Attorney General of the United States was advised investigation was being conducted at the request of Special Prosecutor ARCHIBALD COX to determine if Federal Bureau of Investigation (FBI) information or material was delivered to the so-called Special Investigation Unit of the White House, commonly referred to as the "Plumbers". Mr. KLEINDIENST furnished the following information:

The first time Mr. KLEINDIENST learned "raw" FBI files had been given to the White House occurred when former Acting Director of the FBI L. PATRICK GRAY, III testified in Senate confirmation hearings that Mr. GRAY had given some FBI files to JOHN DEAN.

Mr. KLEINDIENST would not have authorized raw FBI files be given to anyone but the President - and Mr. KLEINDIENST never received such a request from the President. If such request had been received Mr. KLEINDIENST would have directed Mr. GRAY to deliver the files to the President personally or would have done so himself.

In the summer of 1972, JOHN DEAN, acting as Counsel to the President, with overview responsibilities for the whole Watergate matter and reporting directly to the President, contacted Mr. KLEINDIENST and asked if he would make raw FBI files available to him. Mr. KLEINDIENST told DEAN "no" but said he had no objection to Assistant Attorney General HENRY E. PETERSEN giving DEAN summaries but not raw FBI files.

Mr. KLEINDIENST's policy was not to make FBI files available to anyone. One exception was made in the spring, 1973, and FBI material was given to Senator ERVIN and Committee Counsel SAM DASH, after the Ervin Committee had been constituted, to help that Committee in its investigation.

As regards FBI documents found in E. HOWARD HUNT's safe at the Executive Office Building, Mr. KLEINDIENST has no knowledge as to whether the Internal Security Division of the Department furnished FBI information and material to the White House.

Interviewed on 6/21/73 at Washington, D.C. File # WFO 65-11613
by [REDACTED] and [REDACTED]
CAR:jab Date dictated 6/22/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

65 74-60-4421

FBI

Date:

6/22/73

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL _____

(Priority)

Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Boase _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Holloman _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

TO: ACTING DIRECTOR, FBI (65-74060)

ATTN: INTELLIGENCE DIVISION

FROM: SAC, WFO (65-11613)

U.S. v. ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

Re Bureau airtel to WFO dated 6/15/73.

Enclosed for the Bureau are five copies of an FD 302 reporting information furnished by former Attorney General RICHARD G. KLEINDIENST concerning his knowledge of an allegation film and possibly a camera used in connection with the burglary of the office of DANIEL ELLSBERG's psychiatrist were delivered to the Department of Justice.

REC-37 6 74060-4430

EX-117

JUL 2 1973

ENCLOSURE 5

2 - Bureau (Enc. 5)
1 - WFO

CAR:jab
(3)

Approved: _____

84 JUL 6 1973

Special Agent in Charge

Sent _____

M

Per _____

U.S. Government Printing Office: 1972 - 455-574

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/22/731

RICHARD G. KLEINDIENST, former Attorney General of the United States was advised investigation was being conducted concerning an allegation film and possibly a camera used in connection with the burglary of the office of DANIEL ELLSBERG's psychiatrist were delivered to the Department of Justice. Mr. KLEINDIENST furnished the following information:

Mr. KLEINDIENST has no knowledge that film or camera allegedly used in connection with the burglary was delivered to the Department of Justice.

Interviewed on 6/21/73 at Washington, D.C. File # WFO 65-11613

by [REDACTED] and [REDACTED]

CAR:jab

Date dictated

6/22/73

Mr. Eardley
1 - Mr. E. S. Miller
1 - Mr. R. E. Gebhardt
1 - Mr. J. R. Wagoner

Mr. Archibald Cox
Special Prosecutor

June 28, 1973

Acting Director, FBI

65-74060-4427
BY COURIER SERVICE

DANIEL ELLSBERG

REC-37

EX-117

Reference is made to your letter dated May 30, 1973.

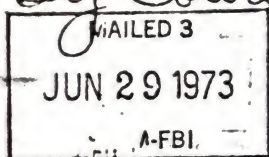
Enclosed are two copies each of three FD-302s setting forth the results of an interview on June 21, 1973, with former Attorney General Richard G. Kleindienst. These FD-302s specifically deal with Kleindienst's knowledge of three areas of investigation of interest to you. These areas are (1) the sequence of events that took place after April 16, 1973, when the Department of Justice was informed by Earl Silbert of the United States Attorney's Office of the allegation that the office of Daniel Ellsberg's psychiatrist was burglarized, until April 27, 1973, when this information was disclosed to Judge W. Matt Byrne, Jr., who was hearing the Ellsberg case; (2) the alleged furnishing of film and possibly a camera used in connection with the burglary of the office of Ellsberg's psychiatrist to the Department of Justice; and (3) the furnishing of raw FBI material to The White House as evidenced by material recovered from the office of E. Howard Hunt, Jr.

Enclosures (6)

JRW:klj
(7)

NOTE:

Interview of former Attorney General Richard G. Kleindienst was previously approved by the Acting Director.



Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mr. Hogan _____

84 JUL 6 1973 MAIL ROOM ☒

TELETYPE UNIT ☐

EM

John
Walt
JRW

F B I

Date: 6/22/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTD

FROM: SAC, WFO (65-11613)

U.S. vs ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

ReBuairtel to WFO 6/15/73.

Enclosed for the Bureau are 5 copies of an FD 302 reporting information furnished by former Attorney General RICHARD G. KLEINDIENST concerning his knowledge of the sequence of events that transpired subsequent to the receipt by the Department of Justice of an allegation that the office of DANIEL ELLSBERG's psychiatrist, Dr. LEWIS FIELDING, had been burglarized.

REC-37

65-74060-4431
5 JUN 22 1973

EX-117

② - Bureau (Enc.5)
1 - WFO

CAR:jak
(3)

Approved: _____

Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

84 JUL 6 1973

FEDERAL BUREAU OF INVESTIGATION

6/22/73

Date of transcription

RICHARD G. KLEINDIENST, former Attorney General of the United States, was advised investigation was being conducted at the request of Special Prosecutor ARCHIBALD COX to determine the sequence of events that took place after April 16, 1973, when the Department of Justice was informed by EARL SILBERT, the United States Attorney's Office, of an allegation the office of DANIEL ELLSBERG's psychiatrist was burglarized, until April 27, 1973, when this information was disclosed to the Court in Los Angeles. Mr. KLEINDIENST furnished the following information:

Some time on the morning of April 25, 1973, Assistant Attorney General (AAG) HENRY E. PETERSEN came to Mr. KLEINDIENST's office at the Department of Justice. Mr. KLEINDIENST was then Attorney General. Mr. PETERSEN had two documents with him, a memo to Mr. PETERSEN from SILBERT dated April 16, 1973, the other a memo from Departmental Attorney JOHN MARTIN to Deputy Assistant Attorney General KEVIN T. MARONEY which was dated later than the SILBERT memo but dated in the same week as the SILBERT memo.

Before saying anything the AAG let Mr. KLEINDIENST read the documents. The April 16, 1973 memo said an unidentified source informed "us" the office of the psychiatrist of DANIEL ELLSBERG in Los Angeles was broken into and G. GORDON LIDDY and E. HOWARD HUNT either did it or were responsible for it. On top of the memo was a "buck slip" from the AAG to Mr. MARONEY directing Mr. MARONEY to find out what the Internal Security Division (ISD) of the Department knew about it. The MARTIN memo to Mr. MARONEY said in effect that no one in ISD had any knowledge of the situation and as a consequence the burglary could not have tainted the ELLSBERG trial in any manner.

Interviewed on 6/21/73 at Washington, D. C. File # 65-11613

by [REDACTED] and [REDACTED] (CAR;jak) Date dictated 6/22/73

The AAG then told Mr. KLEINDIENST the unidentified source was JOHN DEAN.

Mr. PETERSEN and Mr. KLEINDIENST almost instantly reached a joint conclusion that information about the burglary should be made known to the Court in Los Angeles. They did spend some time discussing the ramifications of this matter. It was a very traumatic situation. Mr. PETERSEN and Mr. KLEINDIENST concluded that Mr. KLEINDIENST should personally inform the President of the situation and tell the President that in Mr. KLEINDIENST's opinion both from a legal and proper operational standpoint as far as the Department was concerned, disclosure of the burglary should be made to the Court. Mr. KLEINDIENST then made an appointment to see the President; he does not recall when he called for this appointment.

Later that day, Mr. KLEINDIENST accompanied by the Solicitor General, ERWIN N. GRISWOLD, drove in Mr. KLEINDIENST's car to a luncheon. En route, Mr. KLEINDIENST asked the Solicitor General's opinion as to whether information about the burglary should be disclosed to the Court. The question was phrased as a hypothetical one and the Solicitor General was not made aware of any specific details about the burglary nor that the incident was related to the ELLSBERG case. Basing his conclusion on the hypothetical situation, Mr. GRISWOLD advised Mr. KLEINDIENST that in his opinion information about the burglary should be made known to the Court.

Shortly after he returned from lunch with Mr. GRISWOLD, Mr. KLEINDIENST left his office to see the President. It was about mid-afternoon. He met the President in the President's office in the Executive Office Building. Mr. KLEINDIENST had with him the SILBERT and MARTIN memos and he let the President read them. He told the President JOHN DEAN was the unidentified source and that he had directed Mr. PETERSEN to take appropriate

steps to inform the Court. The President instantly agreed it was the proper action.

The President had the two memos Xeroxed and kept a Xerox copy of each.

"The President said he had no knowledge of any such burglary and was quite upset by the fact the burglary occurred." Mr. KLEINDIENST said he did not feel at liberty to quote the President. It is a matter of executive privilege.

Mr. KLEINDIENST was with the President 15 to 20 minutes and then returned to the Department where he dictated a memo to Mr. PETERSEN formally directing him to make the appropriate disclosure and confirming the understanding he had reached with Mr. PETERSEN before going to the White House.

Mr. KLEINDIENST said "this was the only knowledge I have of the situation or participation in it". Anything else Mr. KLEINDIENST knows about the matter he learned from the newspapers.

As to whether Mr. PETERSEN informed Mr. KLEINDIENST in their discussion April 25, 1973 of an earlier conversation Mr. PETERSEN had with the President about the Watergate case in which Mr. PETERSEN also talked with the President about the burglary, Mr. KLEINDIENST answered "no". Mr. KLEINDIENST explained he had "recused" himself in the Watergate investigation (voluntarily withdrew from all association with the case because of acquaintanceships with persons who may have been involved). Mr. PETERSEN as his principal assistant assumed Departmental responsibility for the Watergate investigation. Mr. KLEINDIENST, therefore, would not have inquired of Mr. PETERSEN regarding conversation Mr. PETERSEN may have had with the President about Watergate, nor would Mr. PETERSEN have furnished him such information. As to the possibility Mr. PETERSEN may have

WFO 65-11613

4

indicated to Mr. KLEINDIENST he had a prior discussion with the President about the burglary Mr. KLEINDIENST said Mr. PETERSEN may have but he had no recollection of it. Mr. PETERSEN could have mentioned a prior conversation about the burglary but Mr. KLEINDIENST did not recall specifically. He would have to check with Mr. PETERSEN and rely upon Mr. PETERSEN's recollection of their conversation.

- Mr. Eardley
 - Mr. E. S. Miller
 1 - Mr. R. E. Gebhardt
 1 - Mr. J. A. Mintz
 1 - Mr. J. R. Wagoner

July 3, 1973

Assistant Attorney General
Criminal Division

Acting Director, FBI

REC-39

DANIEL ELLSBERG, ET AL. V. JOHN N. MITCHELL, ET AL.
 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
 CIVIL ACTION NO. 79-72

Reference is made to your memorandum dated June 22, 1973, a single copy of which is enclosed for Mr. Archibald Cox, Special Prosecutor.

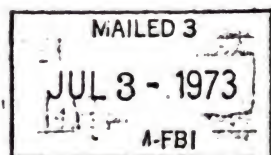
By memorandum dated June 19, 1973, this Bureau was requested by the office of Mr. Archibald Cox, Special Prosecutor, to investigate the matter referred to in the referenced letter. This memorandum precluded interviews at this time of G. Gordon Liddy, E. Howard Hunt, Jr., James McCord, Jr., John J. Caulfield, and Anthony Ulasewicz, who could be considered logical suspects provided the allegation is true.

As indicated in the referenced memorandum, the article referred to stated that The White House received information in 1971 from previously undisclosed wire taps on the telephones of Daniel Ellsberg, Neil Sheehan, and Tad Szulc. In the event information is obtained, by the Special Prosecutor's office from The White House or through interviews with logical suspects suggesting avenues of investigation regarding this matter, these avenues of investigation will be pursued by the FBI.

FBI files fail to indicate that Ellsberg, Sheehan, and Szulc were ever the subjects of telephone surveillances directed specifically against them.

1 - Mr. Archibald Cox (Enclosure) BY COURIER SERVICE
Special Prosecutor

JRW:klj
(9)



SEE NOTE PAGE TWO

Mr. Felt _____
 Mr. Baker _____
 Mr. Callahan _____
 Mr. Cleveland _____
 Mr. Conrad _____
 Mr. Gebhardt _____
 Mr. Jenkins _____
 Mr. Marshall _____
 Mr. Miller, E.S. _____
 Mr. Soyars _____
 Mr. Thompson _____
 Mr. Walters _____
 Tele. Room _____
 Mr. Baise _____
 Mr. Barnes _____
 Mr. Bowers _____
 Mr. Herington _____
 Mr. Conmy _____
 Mr. Mintz _____
 Mr. Rosen _____
 Mrs. Hogan _____

84 JUL 11 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

Assistant Attorney General
Criminal Division

NOTE:

By letter dated June 22, 1973, the Assistant Attorney General, Criminal Division, made reference to a "Washington Post" news article issue June 14, 1973, entitled "'71 Wire Taps on Ellsberg, Press Bared" by Bob Woodward and Carl Bernstein which article alleged that The White House received information in 1971 from previously undisclosed wire taps on the telephones of Ellsberg and former "New York Times" reporters Neil Sheehan and Tad Szulc. The article also stated that "federal investigators" were attempting to determine who ordered and executed the wiretaps.

In connection with a civil suit filed in September, 1972, by Daniel Ellsberg et al., in the District of Columbia, Judge Flannery has requested the government to ascertain the results of the investigation reportedly being conducted and report same to the court. Accordingly Assistant Attorney General, Criminal Division, has requested the FBI to advise if the FBI is investigating the matter and if so to furnish the results of the investigation or the current status of the investigation.

While Ellsberg was not the subject of direct telephone surveillances he was the subject of 15 overhears on telephone taps installed at the request of The White House on [REDACTED]

[REDACTED] The overhears regarding Ellsberg occurred during the period August 30, 1969* through November 27, 1970. The authorizations for the electronic surveillances of [REDACTED] and supporting memoranda related to the authorizations, together with logs of overhears were previously furnished the Assistant Attorney General, Criminal Division, by letter dated June 14, 1973.

* Dates of first and last overhears of Ellsberg.

Memorandum

TO : Mr. Felt

DATE: 6/4/73

FROM : E. S. Miller *EM*

SUBJECT: G. GORDON LIDDY AND E. HOWARD HUNT -
INFORMATION CONCERNING

DANIEL OLLIVER

By memorandum 5/22/73, Acting Director Ruckelshaus raised a number of questions concerning an article which had appeared in the Washington Post on 2/14/73 alleging that during 1971 and 1972 Liddy and Hunt received information developed from wiretaps on domestic radical groups. The allegation was attributed to "informed sources."

Attached is a listing of the specific questions noted by Mr. Ruckelshaus together with detailed responses. In summary, neither Hunt nor Liddy was ever provided with results of FBI wiretaps and the "Post" article indicates a basic misunderstanding as to the manner in which the FBI handles this type information. Results of electronic surveillances are carefully paraphrased before being included in any material disseminated outside the FBI. Pertinent information is reported under individual captions and in particular case files and wiretap data is blended in with other pertinent information developed from numerous other sources. An outsider would have no way of knowing what information originated with technical surveillances.

Referenced memorandum of 5/22/73 notes that FBI material was found in Hunt's office at the White House and that James McCord has testified that he received FBI material from the Internal Security Division of the Department. The following is pertinent in this connection:

During an interview with FBI Agents on 5/21/73, Mr. Joel Lisker, Deputy Director, Office of Security, Justice Department,

- Enclosure
- 1-Mr. Felt - Enclosure
- 1-Mr. Miller - Enclosure
- 1-Mr. Eardley - Enclosure
- 1-Mr. Gebhardt - Enclosure
- 1-Mr. Wagoner - Enclosure
- 1-Mr. Cotten - Enclosure

EX-103

21 JUL 9 1973

APR 10 1974

RDC:nlb (7)

ENCLOSURE

(CONTINUED - OVER)

84 JUL 12 1973

INCOM 105 10 1973

APR 10 1974

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller ☒
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conmy ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

COPY RETAINED IN
PERSONNEL RECORDS UNIT

Memorandum to Mr. Felt
Re: G. GORDON LIDDY AND E. HOWARD HUNT -
INFORMATION CONCERNING

advised during May, 1972, he had been contacted by former Assistant Attorney General Mardian who was then serving with the Committee for the Re-election of the President (CRP). Mardian told Lisker that he would like to have Lisker and another departmental official, John Martin, meet with James McCord, Security Director of the CRP, to discuss the potential for violence at the Republican National Convention.

Lisker and Martin, on interview, have advised that with the approval of Assistant Attorney General William Olsen of Internal Security Division, they met with McCord and the latter's assistant, Robert Houston, on several occasions during May and June, 1972. They advised that McCord was concerned about the possibility of violence either at the Republican Convention or during campaign appearances by prominent Republican leaders, especially former Attorney General and Mrs. Mitchell. Lisker and Martin claimed that they did not provide McCord or Houston with any written documents but only oral data of a public source nature. Both Martin and Lisker are former FBI Agents.

It is noted that we have not been able to provide answers to four of the questions raised by Mr. Ruckelshaus which deal with the handling of FBI reports and/or records by the Internal Security Division of the Department (questions 4c, d, e and f). In order to obtain answers to these questions we would have to make inquiries of the Internal Security Division. These questions were prompted by the fact that copies of certain FBI documents including several interview report forms, were found among Hunt's effects at the White House. The names of several Departmental officials were listed on one of these documents, suggesting that they may have originated with the Internal Security Division.

In connection with a separate request of Special Prosecutor Archibald Cox (regarding the Department's handling of information concerning the burglary attempt in the office of Daniel Ellsberg's psychiatrist) we plan to conduct inquiries of officials of the Internal Security Division in the near future. We can at that time seek to resolve whether the FBI documents found among Hunt's papers did originate with someone in the Internal Security Division and, if so, the circumstances.

ACTION: This is for the information of Mr. Ruckelshaus. If approved, we will make inquiries of appropriate representatives of the Internal Security Division of the Department concerning the FBI material found in Hunt's effects.

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1. Were any Bureau records given to either Hunt or Liddy personally or for their own use or for delivery to Mr. Krogh or Mr. Haldeman or anyone else? If so, detail circumstances.

A review of pertinent FBIHQ files has failed to indicate that during the pertinent period (1971-72) we have ever provided Hunt or Liddy with FBI reports or memoranda either for their own use or for delivery to any officials at the White House.

2. Did Hunt or Liddy visit the offices of the Bureau during the summer and early fall of 1971 either in Washington, D. C., Los Angeles, or elsewhere? If so, were any records kept of the time and purpose of the visits? If any visit was purely social for the purpose of seeing an old friend in the Bureau, so state.

A review of appropriate files as well as canvassing of FBI personnel who would logically have been contacted by Hunt or Liddy, including Agents handling the Ellsberg investigation, has not developed any information regarding visits of either of these individuals to FBI offices during 1971, with the exception noted below involving Liddy. This is based on a review of office indices as well as a check of logical Agent personnel at FBIHQ as well as the Los Angeles, Boston, New York and Washington Field Offices, which handled the major part of the Ellsberg investigation. It also includes checks of the Indianapolis and Denver field offices as well as the Crime Records Division at FBIHQ, where Liddy was assigned during his service as an FBI Agent (1958 - 1962).

The one occasion when Liddy was in contact with the FBI is as follows:

As reported in memorandum dated 8/3/71 from former Assistant to the Director W. C. Sullivan to Associate Director Tolson, Liddy visited Mr. Sullivan on 8/2/71 to introduce himself and advise that he had been designated as the liaison man between the White House and the Intelligence Evaluation Committee of the Internal Security Division of the Justice Department.

Questions
put to
FBI

ENCLOSURE

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The memorandum reports that Liddy explained that his purpose was to facilitate the mechanical aspects of the Intelligence Evaluation Committee as they related to the White House and that he expected to make frequent trips to the Internal Security Division. He had no requests to make.

Former Assistant Director C. D. Brennan of the Intelligence Division (now Special Agent in Charge of the Alexandria Office) has advised that Mr. Sullivan referred Liddy to him immediately following Liddy's visit to Sullivan and that Brennan had lunch with Liddy on the same date. Liddy told Brennan that the White House was currently concerned about leaks in government and wanted to insure the FBI was doing everything possible in investigating the Pentagon Papers matter. After lunch Brennan introduced Liddy to Section Chief W. R. Wannall and Supervisor J. R. Wagoner who were supervising the Ellsberg inquiry. Liddy reiterated the interest of the White House in this case and was assured the FBI was pursuing the matter vigorously.

With respect to Liddy's connection with the IEC the following is pointed out. During a meeting of the IEC staff held on 7/28/71 the Executive Director of the Committee, Mr. John F. Doherty, announced that Liddy, a White House staff member, would be working with IEC in connection with a project recently assigned to this group. The project in question was a study of the problem of unauthorized disclosures of classified information. Liddy subsequently appeared at a meeting of the IEC staff held about the first week of August, 1971, and talked in general terms regarding the problem of unauthorized disclosures of classified data. He indicated he would be in regular touch with the IEC concerning this particular project; however, Liddy had no further contacts with the IEC staff to the knowledge of FBI representatives. The IEC's study regarding unauthorized disclosures was completed in November, 1971, and sent to the White House.

3. Summaries and 302s were furnished to the White House as requested in the President's letter of July 29, 1971. In this connection:

- a. Was a record kept of the material furnished?

In line with standard FBI practice, our files contain a complete record of all data furnished to the White House. This record is in the form of file copies of all letters directed to the White House.

- b. What was the manner of transmission?

In response to the President's 7/29/71 request, periodic summaries of FBI investigations involving disclosures of security data were sent to Mr. Krogh at the White House during the period August, 1971, to February, 1972. These summaries related chiefly to the Ellsberg investigation and they represented a resume of significant developments in that case. It is noted that summaries of our investigations of unauthorized disclosures were also provided separately to Mr. H. R. Haldeman at the White House from July, 1971, to February, 1972.

In addition to the above, Mr. Krogh was provided with separate memoranda summarizing information in FBI files with respect to seventeen persons listed in attachment to the President's letter of 7/29/71 together with fourteen individual interview reports (FD-302s) of certain of these persons.

One teletype dated 8/13/71 was also directed to Mr. Krogh at the White House summarizing developments in the Ellsberg investigation.

- c. Apart from the records found in Hunt's office were other records recovered? If so, detail.

No FBI communications concerning the Ellsberg investigation or other leak cases of interest to the White House have been recovered. No effort has been made to retrieve any of the communications directed to Mr. Haldeman or Mr. Krogh and presumably the information furnished to the White House pursuant to the President's request of 7/29/71 is still in White House files.

4. One FBI document found in Hunt's office is reported to have carried the initials of personnel in the Internal Security Division. Presumably this was not the case with the other FBI records so found.

This presumption is correct. Of the various copies of FBI communications found in Hunt's office, only one (copy of the first or "synopsis" page from Los Angeles report dated 7/29/71 in the Ellsberg investigation) carried any notations of this type. This item carried the names of five individuals who were at that time employed in the Internal Security Division of the Justice Department namely Messrs. Doherty, McGrath, Davitt, Yates and Clarkson. The names had apparently been written on the Internal Security Division's copy of this item after delivery from the Bureau to facilitate routing through the Internal Security Division. At this point, someone in the Internal Security Division evidently made a Xerox copy of this copy and forwarded it to the White House where it came into the possession of Hunt. None of the names of Internal Security representatives which were listed on Hunt's copy were initialled or otherwise receipted for.

- a. What FBI records were delivered to the Internal Security Division?

All pertinent results of investigation in the Ellsberg case and other unauthorized disclosure investigations were disseminated promptly upon receipt at FBIHQ to the Internal Security Division. Generally, copies of investigative reports and letterhead memoranda prepared by our field offices were hand carried to the Internal Security Division to the office of Mr. John Martin, Chief of the Analysis and Evaluation Section. Martin was assigned on a full-time basis to the Ellsberg matter working under the overall supervision of the Assistant Attorney General in charge of the Internal Security Division. In addition to reports and letterhead memoranda, we provided the Internal Security Division with copies of incoming teletypes from our field offices outlining investigative developments, after any administrative data had been excised. We also gave the Internal Security Division

detailed listing of information developed concerning long distance telephone calls made by Ellsberg and his associates as well as chronological travel data regarding Ellsberg. All of the foregoing items were also delivered to Mr. Martin in the Internal Security Division.

Developments in these cases were furnished to the Attorney General in letter form with copies designated for the Internal Security Division.

- b. Was a record kept of such transmittals?

FBI files contain a completely documented record of all information provided to the Internal Security Division. In those instances where information was provided by letter, FBI files contain a yellow file copy of this correspondence. Where the information was hand-carried to the Internal Security Division, as in the case of field teletypes, reports and letterhead memoranda, written notations were made on our file copy of such communications showing the date of dissemination, the supervisor approving it, and the departmental official to whom delivery was made.

- c. Was it the practice of Internal Security personnel to initial incoming FBI reports?
- d. Did Internal Security, through Mardian or anyone else, deliver Bureau records to either Hunt or Liddy? If so, was a record kept of such transmittals?
- e. Did Internal Security transmit records it received from the Bureau or copies of such records?
- f. Has the Internal Security Division retained the records transmitted to it and in particular copies of the documents found in Hunt's office?

In order to provide answers to the foregoing questions, it would be necessary to make detailed inquiries of officials and other personnel of the Internal Security

Division of the Department. Since these questions relate to internal procedures within the Internal Security Division it is not believed they would be asked of an FBI witness. FBI supervisors have no knowledge of how copies of FBI communications located in Hunt's office came into his possession.

5. Who was the contact man in the Bureau with whom Mardian dealt on the Ellsberg probe?

Contacts with Mardian were primarily handled by Assistant Director of the Intelligence Division. Until 9/8/71, Mr. C. D. Brennan, now Special Agent in Charge of the Alexandria Office, served in this post; since 9/8/71, the position has been occupied by Mr. E. S. Miller. While most contacts with Mardian would have been handled by either Brennan or Miller, there were occasions when a Bureau official acting for Brennan or Miller received calls from Mardian.

6. In memorandum of 8/3/71 the Bureau indicated that the Ellsberg investigation would be pursued on a "special basis." What did this signify?

The term "special basis" had no particular significance other than denoting that the Ellsberg investigation was being handled on an expeditious and priority basis. From the outset of our inquiries on 6/16/71 we afforded the Ellsberg investigation urgent attention. The field was instructed to handle all leads expeditiously and to assure that sufficient manpower was assigned to the case. Results of investigation were reported by teletype and the four principal offices (New York, Los Angeles, Boston and Washington Field) were required to submit daily teletype summaries of developments. The practice of treating a major investigation as a "special" is not unusual.

7. When did the Bureau participation in the Ellsberg probe end?

The major part of our investigation was completed by May, 1972. Subsequently, our inquiries consisted primarily of handling FBI requirements with regard to defense motions (e. g., reviews of the Bureau's electronic surveillance indices) and specific requests from the Department of Justice

relative to preparation for trial, file checks on prospective jurors and prospective defense witnesses.

8. In connection with the criminal charges and trial of Dr. Ellsberg, did the Bureau have any contact with Hunt or Liddy by mail, telephone or in person? If so, detail the circumstances.

Bureau personnel had no contact with Hunt regarding the Ellsberg matter. On only one occasion was contact had with Liddy regarding the criminal charges and trial of Ellsberg, as follows:

On 10/19/71, at the request of Assistant Attorney General Mardian of the Internal Security Division, Assistant Director Miller, Inspector C. D. Brennan and Supervisor J. R. Wagoner met with Liddy in Mardian's office.

During this conference, Liddy, who was identified as a member of the White House staff, expressed an interest in being kept advised of any former government employee, past or present, who might be identified as being responsible for leaks to "The New York Times."

Liddy was assured that such information developed by the FBI would promptly be furnished to the White House. This contact with Liddy was reported in a memorandum from Mr. Brennan to Mr. Miller dated 10/20/71.

9. A newspaper article in the Washington Post on February 14, 1973 (copy attached) alleged that Hunt and Liddy sometime in 1971-1972 had access to wiretaps on radical groups involving national security. In this connection:
- a. Were such wiretaps going being conducted by the Bureau? If so, when and on what groups or persons?

During the period 1/1/71 through 6/17/72 the FBI utilized electronic surveillances to provide coverage of a number of domestic organizations and individuals engaged in revolutionary or extremist activities. A total of 48 such installations were made during the pertinent period including 47 telephone surveillances and one microphone surveillance. These surveillances

were in operation for varying periods of time ranging from a few weeks to a year or more. In a number of instances surveillance coverage was placed on an individual or group for a period of time, removed for a certain period and then reinstalled for another period. In some cases, installations were made to provide coverage of different chapters or branches of the same organization.

Altogether a total of 12 organizations and 8 individuals were the subjects of this type coverage during the period in question. The organizations involved included the Black Panther Party, Student National Co-ordinating Committee, African Liberation Day Co-ordinating Committee, Junta of Militant Organizations, White Panther Party, Worker-Student Alliance of the Students for a Democratic Society, Peoples Coalition for Peace and Justice, May Day Collective, "Berkeley Tribe" (an underground newspaper) and the Communist Party, U.S.A. The individuals covered included black extremist leaders, key members of the Weathermen underground and other revolutionaries. A complete listing of installations operating during this period is available on request.

b. Who requested the wiretaps and when?

All of these installations were requested by the Director of the FBI (the majority by John Edgar Hoover and a few by L. Patrick Gray, III) based on recommendations submitted by the Intelligence Division, usually originating with FBI field offices covering the organizations and individuals involved. In each instance, the coverage was requested of the Attorney General and approved in writing by the Attorney General.

c. Who received from the Bureau the results of the wiretaps?

The results of electronic surveillance coverage is not reported by our field offices nor disseminated to

outside agencies in such a manner that the information can be identified as originating with a particular electronic surveillance.

The logs reporting pertinent information developed from a particular wiretap are reviewed in the field and converted into channeling memoranda, copies of which are sent to the case files concerning the various organizations and/or individuals of interest mentioned. In the process of preparing channeling memoranda, the information is carefully paraphrased so as to protect the identity of the source (i. e. to disguise the fact that the data originated from a wiretap).

Thereafter, as required by the circumstances of the various case files involved, the information may be included in reports or letterhead memoranda being prepared by the field to fulfill our dissemination requirements. In incorporating the information into reports or memoranda additional precautions are taken to insure that the source is not revealed and frequently the information is further summarized or briefed down. Thus, as it actually appears in a report or memoranda being disseminated to another agency, there is ordinarily no way for the recipient to know that it originated with an electronic surveillance.

- d. How would Hunt or Liddy get access to such reports? Were they cleared to receive such reports? Since a criminal violation may be involved, the circumstances of such transmittals, if made, should be determined, with particular reference to the names of the persons who transmitted such reports to Hunt or Liddy.

As can be seen from the answer to the foregoing question, neither Hunt nor Liddy or anyone else in the White House would have had access to the results of our electronic surveillances. At best, Liddy and Hunt may have had access to FBI communications which included information originating with Bureau wiretaps but reported in such a way that the actual sources were concealed.

Information from FBI electronic surveillances may or may not be classified depending on the subject matter involved. Presumably both Hunt and Liddy, as White House staff assistants, had access to classified data. The FBI disseminates a considerable volume of information on a regular basis to various officials at the White House including the President. This information is disseminated in connection with a wide variety of cases and utilizing information derived from numerous sources, including data originating with electronic surveillances.

Unless the White House itself maintains detailed records regarding the distribution of FBI documents within the White House staff, which is believed unlikely, it would be impossible to determine the extent to which Hunt or Liddy may have seen FBI communications containing the results of electronic surveillances. But in any case they would not have known that the information originated with wiretaps.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/8/73

CHARLES W. COLSON, former Special Counsel to the President, was interviewed in the presence of his attorneys DAVID SHAPIRO, and JUDAH BEST, in their offices at 1735 New York Avenue, N.W., Washington, D. C. (WDC). Mr. COLSON was advised he was being contacted at the request of the Department of Justice to determine if he could furnish information about an investigation conducted on behalf of the White House into the public disclosures of the Pentagon Papers and specifically for information he may have about an alleged burglary of the office of DANIEL ELLSBERG's psychiatrist by E. HOWARD HUNT and G. GORDON LIDDY during the course of that investigation.

Mr. COLSON voluntarily signed a waiver of rights, (FD 395), and advised as follows:

Mr. COLSON recalled attending meetings in early July, 1971, at the White House concerning the disclosures of the Pentagon Papers and described these meetings as "kind of panic sessions" to determine what was going on and trying to establish what was going to be published next by the newspapers and the accuracy of these publications. Mr. COLSON indicated he was not involved in the White House investigation into the Pentagon Papers disclosures, but was engaged in the Government's litigation to stop publication of the Papers. He was engaged on an almost full-time basis at this time with the preparation of the President's August 15, economics decision initiating Phase I of the Price Freeze.

When the Pentagon Papers were first published in the "New York Times" there was a need in the White House for someone to do research and co-ordinate assignments involving investigation into the leak. COLSON recalled he recommended HUNT, whom he had known for a period of years and several other individuals for this assignment. HUNT was subsequently interviewed by JOHN D. BIERLICHMAN, former Assistant to the President.

Interviewed on 5/8/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] CAR:jgk Date dictated 5/8/73

ENCLOSURE 4434

Later, Mr. COLSON received a telephone call from Mr. EHRLICHMAN who was then in California with the President, asking whether HUNT could be brought in and directing that he should be put to work on the investigation.

Mr. COLSON asked his staff secretary to process the necessary papers regarding the employment. HUNT was assigned to COLSON's staff for internal budget processing only.

Mr. COLSON knew that the "Plumbers", (publicly identified as EGIL KROGH, DAVID YOUNG, HUNT and LIDDY) were conducting a check for a personality profile of DANIEL ELLSBERG to determine what motivated him, what kind of "wild things" he might do. Mr. COLSON said there was an enormous concern over leaks of sensitive information at that time.

Mr. COLSON had no discussions or advanced information of the alleged burglary. He knew the Plumbers were going to the West Coast but did not know which of them would actually make the trip. He first heard about the alleged burglary sometime later at a meeting and he could not recall the time of the meeting or who was present. He thought the meeting may have been a private one with Mr. EHRLICHMAN. He believes Mr. EHRLICHMAN told him, he does not recall specifically, but he gained the impression from the conversation that "they" tried to get the records of ELLSBERG's psychiatrist and did not get them. EHRLICHMAN told him this was a national security matter and not to be discussed with anyone. Mr. COLSON never heard any discussion of a burglary attempt on the home of ELLSBERG's psychiatrist.

Mr. COLSON was asked if he had any other discussions with White House Staff members about the burglary. He recalled in connection with the Watergate investigation prior to the time when he was questioned by the Federal Bureau of Investigation (FBI), and gave a deposition to Mr. SILBERT of the United States Attorney's office, he asked JOHN DEAN, Counsel to the President, what to do if the "Pentagon Papers question came up".

DEAN told him that if asked, he was not to discuss the matter, inasmuch, as it was a national security matter

of the highest classification and that he (DEAN) would interrupt such questions if present. He recalled receiving the same instructions from Mr. EHRLICHMAN in late March or April, 1973. He never discussed the burglary with HUNT or LIDDY.

Concerning a current newspaper story that HUNT reportedly tried to talk to Mr. COLSON sometime later about the burglary, COLSON recalled a chance meeting with HUNT one morning in his outer office. HUNT was waiting for him but Mr. COLSON could not recall when the meeting took place. HUNT told him that he was on his way to give a briefing on what "they" had learned about ELLSBERG, and that he had about a half an hour before the briefing and he wanted to talk to COLSON about it. COLSON told HUNT he did not have time to talk to him then, that he was in a hurry. HUNT did not try to broach the subject matter again.

Concerning the memorandum from COLSON to JON HUNTSMAN dated September 13, 1971, requesting in accordance with an earlier arrangement the reimbursement of HUNT for the following expenses: Air fares for two men from New York City to Washington, D. C. \$68.00; Dinner check, Miami - \$35.65; Hotel bill for three men, Los Angeles - \$155.90, COLSON advised as follows:

COLSON furnished a copy of this memorandum from his own office files to the Federal Bureau of Investigation in the summer of 1972 when he was asked about HUNT's travel. This was the first occasion on which he had seen the memorandum and he did not know to what the entries on the memorandum related or the identity of the three men referred to in the memo. COLSON never saw any of HUNT's vouchers or claims for reimbursement. These were initialed and submitted by COLSON's secretary.

Concerning a recent newspaper story according to which EGIL KROGH reportedly said he requested funds from COLSON for implementing the effort to acquire information about ELLSBURG, COLSON could not recall KROGH asking him for money for the trip to California. He has a vague recollection

that at about that time Mr. EIRLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with Mr. EIRLICHMAN later, EIRLICHMAN could not recall the request.

From time to time COLSON saw memoranda prepared for the White House group working on the Pentagon Papers investigation, but he saw no reports prepared by that group. The memoranda which were shown to him by HUNT because of COLSON's general interest in the issue of the Pentagon Papers, spoke of HUNT's frustrations trying to get things done in the Plumbers' unit and HUNT's analyses of the investigation. COLSON saw nothing related to the psychological study of ELLSBERG. The normal channel for papers generated by the Plumbers was to EGIL KROGH and DAVID YOUNG. COLSON had no information about the whereabouts or results of investigation conducted by that group.

COLSON had no knowledge of other illegal activities engaged in by the group conducting the Pentagon Papers investigation on behalf of the White House.

FEDERAL BUREAU OF INVESTIGATION

5/17/73

Date of transcription

CHARLES W. COLSON, former Special Counsel to the President, was reinterviewed May 16, 1973, in the presence of his attorneys DAVID SHAPIRO and JUDAH BERT in their office, 1735 New York Avenue, N.W., Washington, D. C. (WDC). COLSON voluntarily signed a Waiver of Rights (FD 305).

COLSON's attention was directed to a statement he furnished the Federal Bureau of Investigation (FBI) in an earlier interview May 8, 1973, wherein he said he could not recall MIL KROGH asking him for money for the trip by the special unit to California but had a vague recollection that at about that time JOHN EHRLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with EHRLICHMAN, EHRLICHMAN could not recall the request. COLSON furnished the following additional information:

The statement COLSON gave the FBI on May 8, 1973, is correct. COLSON does not recall KROGH asking for funds for the special unit's trip to California. If KROGH did make such a request however, he would have asked on EHRLICHMAN's behalf.

Subsequent to interview of May 8, 1973, COLSON checked with some people he might have gone to then if he had needed funds. At the time the request would have been made, COLSON was helping to raise money for the Committee for New Prosperity, organized to generate public support for the Administration's price freeze. [REDACTED] of the public relations firm of Wagner and Baroody, WDC, was setting up and organizing this committee. One of the people he checked with was [REDACTED]. [REDACTED] recalled COLSON had called him one day and asked him for \$5,000, saying the White House needed cash and could he (BAROODY) make it available. [REDACTED] could not recall the specific date of this call nor could COLSON. [REDACTED] told COLSON that COLSON asked him to deliver this money to KROGH and that he

Interviewed on 5/16/73 at Washington, D. C. File # 65-11613
by [REDACTED] and [REDACTED]
by [REDACTED] CAR:jak Date dictated 5/17/73

██████████ delivered the money to KROGH's office.

Asked why he would go to ██████████ for funds, COLSON said ██████████ was a friend and ██████████ may have had money available from funds of the Committee for New Prosperity. The money actually, according to COLSON, came from ██████████ personal funds and was repaid to him by COLSON within a couple of weeks with money COLSON was able to obtain later from a political committee in WDC. COLSON could not recall the name of the political committee except that it was "Good Government something or other."

COLSON said it was not a common practice to raise funds in this way but it was still not uncommon either. H. R. HALDEMAN or JOHN EHRLICHMAN at times approached him with requests for financial support "for White House projects." COLSON's job was to maintain liaison with groups outside the White House and at times obtain financial support for the projects from other than White House funds. He recalled getting out a booklet on "Appropriated Funds and Government" with outside support.

Concerning financial support for the special unit under KROGH at the White House investigating the public disclosure of the Pentagon Papers, COLSON had no knowledge of the existence of a special fund to support its activities, or other funds that may have been used to support it and received no other requests to assist in its support. HOWARD HUNT was paid a consulting fee, when working, as a member of COLSON's staff. LEIL KROGH and DAVID YOUNG were then members of the White House staff, KROGH with the Domestic Council and YOUNG with the National Security Council. COLSON did not know under what arrangements GORDON LIBBY worked with the unit.

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

H. R. HALDEMAN, former Assistant to the President, was interviewed in the presence of his attorneys, JOHN WILSON and FRANK H. STRICKLAND in their offices at 815 15th Street, N.W., Washington, D. C.

Mr. HALDEMAN was advised he was being contacted at the request of the Department of Justice to determine if he has any knowledge of the whereabouts of results of any investigation conducted by the White House including reports, memoranda or other data concerning the "Pentagon Papers" case, any defendants in that case or any members of families of defendants.

Mr. HALDEMAN said he had no knowledge of any investigation conducted by the White House regarding the "Pentagon Papers" nor any information about the existence or whereabouts of results of such investigation.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613

by [REDACTED] and [REDACTED]
SA J. H. W. SCHEIDT C. R. Jak Date dictated 5/1/73

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Gandy	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input checked="" type="checkbox"/>
Mr. McQuinn	<input checked="" type="checkbox"/>
Mr. Sears	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Beale	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Bowler	<input type="checkbox"/>
Mr. Fawcett	<input type="checkbox"/>
Mr. Gandy	<input type="checkbox"/>
Mr. Mohr	<input type="checkbox"/>
Mr. Eardley	<input type="checkbox"/>
Mr. Hogan	<input type="checkbox"/>

NR 636 LA CODE

7:06 PM URGENT 6/4/73 PWW

TO ACTING DIRECTOR (65-74060) ATTN: INTD CI-3
FROM LOS ANGELES (105-27952) 3P.

MC LER.

RE BUREAU TELCALL TO LOS ANGELES, INSTANT DATE.

[REDACTED] DISTRICT ATTORNEY (DA), LOS ANGELES,
TELEPHONICALLY CONTACTED INSTANT DATE. (1) [REDACTED] ADVISED HE
IS NOT IN RECEIPT OF FD-302'S PERTAINING TO THE INTERVIEWS
WITH JOHN EHRLICHMAN, 4/27 AND 5/1/73. IT WAS EXPLAINED
TO [REDACTED] THAT THESE SUPPOSEDLY WERE GIVEN TO HIS OFFICE
5/24/73. [REDACTED] MAINTAINED HE DOES NOT HAVE THESE FD-302'S.
IT WAS EXPLAINED TO [REDACTED] THAT THESE WILL BE FURNISHED TO
HIM ON 6/5/73. THIS WAS AGREEABLE TO [REDACTED]

(2) [REDACTED] ADVISED THAT HE IS IN POSSESSION OF THE
AFFIDAVIT FILED BY [REDACTED]

[REDACTED] WHICH HE STATED HE OBTAINED FROM JUDGE MATTHEW BYRNE.

END PAGE ONE

21 JUL 9 1973

ENCLOSURE

84 JUL 12 1973

LA 155-87852

PAGE TWO

HE WAS ADVISED THERE WERE TWO FD-302S PERTAINING TO INTERVIEWS WITH [REDACTED] ON 5/2 AND 5/4/73. THE NATURE OF THESE INTERVIEWS, NEGATIVE IN NATURE, WERE EXPLAINED TO [REDACTED]. HE STATED IT WOULD NOT BE NECESSARY FOR HIM TO HAVE THESE FD-302S.

(3) RELATIVE TO THE SUMMARY OF THE ELLSBERG BURGLARY PREPARED BY EHRLICHMAN WHILE HE WAS AT THE WHITE HOUSE. IT WAS EXPLAINED TO [REDACTED] THAT THE FBI DOES NOT HAVE SUCH A SUMMARY NOR DO WE KNOW OF SUCH A SUMMARY. IN THIS REGARD, [REDACTED] STATED THAT IN TESTIMONY BEFORE THE GRAND JURY IN LOS ANGELES, GENERAL ROBERT CUSHMAN TESTIFIED THAT HE HAD TWO PHONE CONVERSATIONS WITH JOHN EHRLICHMAN. FIRST CONVERSATION CONCERNED THE FACT THAT HUNT WOULD BE COMING OVER TO SEE GENERAL CUSHMAN FOR ASSISTANCE IN OBTAINING VARIOUS ITEMS, INCLUDING DISGUISES AND TO COOPERATE. THE SECOND CALL CONCERNED CUSHMAN CALLING EHRLICHMAN ADVISING HIM THAT HUNT HAD REQUESTED TOO MUCH AND EHRLICHMAN STATED JUST TO DISREGARD. [REDACTED] STATED THE THIRD CONVERSATION, ACCORDING TO CUSHMAN, CONCERNED A TELEPHONE CALL IN JANUARY 1973, BETWEEN CUSHMAN AND EHRLICHMAN, TO THE EFFECT THAT EHRLICHMAN HAD BEEN REQUESTED BY UNKNOWN INDIVIDUALS IN THE DEPARTMENT OF JUSTICE TO MAKE A COMPLETE SUMMARY OF THE ELLSBERG BURGLARY.

END PAGE TWO

LA 105-27052

PAGE THREE

(4) [REDACTED] WAS ADVISED THAT ERELICHMAN WAS INTERVIEWED ON 5/11/73 BY BUREAU AGENTS BUT THAT THE INTERVIEW DID NOT CONCERN ELLSBERG IN ANY MANNER. IT WAS EXPLAINED CONFIDENTIALLY TO [REDACTED] THAT THE INTERVIEW PERTAINED TO WHAT HAPPENED TO THE FBI ELECTRONIC RECORDS WHICH HAD BEEN MISSING AND WHICH ERELICHMAN STATED WERE AT THE WHITE HOUSE. [REDACTED] ADVISED IF THE INTERVIEW ON 5/11/73 DID NOT PERTAIN TO ELLSBERG, HE WAS NOT INTERESTED. [REDACTED] ASKED IF THE FBI HAD INTERVIEWS PERTAINING TO CHARLES COLSON AND BOB HALDEMAN. HE WAS ADVISED THERE WERE TWO INTERVIEWS OF COLSON ON 5/8, 16/73, AND AN INTERVIEW WITH HALDEMAN ON 5/1/73. HE DESIRED THESE INTERVIEWS ONLY IF THEY PERTAINED TO ELLSBERG.

BUREAU REQUESTED TO AUTHORIZE DISSEMINATION OF COLSON AND HALDEMAN INTERVIEWS ABOVE. SUTEL.
END

GWS WASH DC

ACK AND CLR FR FORONE

cc Mr. [REDACTED]

WAGNER

POTHAN

EADLEY

WAGNER



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 2, 1971

DANIEL ELLSBERG

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Background

On June 13, 1971, "The New York Times" published the first of a series of articles purporting to report on a history of the United States decision-making process concerning Vietnam policies for the period 1945 to 1967. The articles continued through June 15, 1971. "The New York Times" claimed that the articles were based on a study later identified as a 47-volume history entitled "United States - Vietnam Relations During the Period 1945 - 1967," commonly referred to as the "McNamara Study," of which "The New York Times" had a copy. A comparison of the information set forth in "The New York Times" articles has been made by the National Security Agency and a conclusion reached that eighty percent of the information contained in the articles came from 18 volumes of a 38-volume draft copy of the "McNamara Study" which was classified "Top Secret."

Subsequent to the publication of the articles by "The New York Times," additional articles allegedly based on the "McNamara Study" appeared in the "Washington Post," the "Boston Globe," the "Christian Science Monitor," the "Los Angeles Times," the "Chicago Sun Times," the "Philadelphia Inquirer," the "St. Louis Post Dispatch" and the "Miami Herald." A determination is currently being made by the National Security Agency as to the source of the original information in these articles, as well as whether or not the data was classified.

On June 15, 1971, the Attorney General requested the FBI to conduct all necessary investigation into the matter relating to the publication of classified information by "The New York Times." Our continuing investigation into this matter has, from its inception, buttressed by Ellsberg's admissions, identified Daniel Ellsberg, Senior Research Associate, Center of International Studies, Massachusetts Institute of Technology, Cambridge, Massachusetts, as the principal suspect in connection with the release of the material to the press. He was engaged in the preparation of and had access to the "McNamara Study"; had parts of the study in his possession for an extended period; reproduced classified documents in Los Angeles,

65-74000-4436

ENCLOSURE

Daniel Ellsberg

California; and evidence strongly indicates he made copies of documents from the study available to representatives of "The New York Times" in March, 1971, for reproduction.

PERSONAL BACKGROUND

Birth and Education

Daniel Ellsberg was born April 7, 1931, in Chicago, Illinois, and received his elementary and high school educations in Michigan. Following graduation from Cranbrook School, Bloomfield Hills, Michigan, in 1948, Ellsberg attended Harvard University, Cambridge, Massachusetts. He was graduated summa cum laude from that University in 1952, receiving an A.B. degree. From 1952 to 1953, he did graduate work in the field of economics at Cambridge University, Cambridge, England. In the 1953-1954 academic year he was a teaching fellow at Harvard and at the end of that period received a Masters degree in the field of economics. Following service in the United States Marine Corps, 1954-1957, Ellsberg returned to Harvard to teach and study for the 1957-1958 academic year as a member of the Society of Fellows. In 1962, Ellsberg received his Ph.D. degree from Harvard, writing a thesis, "Risk, Ambiguity, and Decision."

Military Service

On April 16, 1954, Ellsberg entered the United States Marine Corps and in July, 1954, received his commission as a second lieutenant after completion of the officers candidate program. Following an assignment to the Sixth Fleet in the Mediterranean Sea in 1956, he was relieved from active duty on February 3, 1957, remaining a member of the Inactive Reserve until 1963. Ellsberg was the subject of an investigation concerning a letter found in his desk which revealed the future mission that in August, 1956, took him and his Marine Corps unit to the Mediterranean Sea for standby duty with other North Atlantic Treaty Organization military forces. Ellsberg advised investigators that he had written the letter but that similar information as to the mission had been printed in newspapers and mentioned by other unit members in correspondence to parents and friends. Ellsberg was characterized by several fellow officers at that time as being absent-minded and lacking common sense, although they did not believe that he would deliberately divulge classified information.


Daniel Ellsberg

Relatives

Daniel Ellsberg's father, Harry Ellsberg, is a retired structural engineer who resides in Huntington Woods, Michigan. Ellsberg's mother, Adele Charasky Ellsberg, who was the second wife of his father, died as the result of an automobile accident in the mid-1940s. A brother, Harry Bill Ellsberg, associated with the insurance business, resides in the New York City area. In 1941, this brother, 11 years older than Daniel, appealed a 1-A Selective Service classification but shortly thereafter withdrew his claim to be a conscientious objector. The brother has openly supported Daniel in his aims and actions to publicize the so-called "McNamara Study" and to oppose United States involvement in Vietnam. Daniel Ellsberg has an uncle, Edward Ellsberg, a retired United States Navy Admiral who served in World Wars I and II.

Marriages

On February 10, 1951, Daniel Ellsberg was married to Carol Cummings. Her father is retired United States Marine Corps Brigadier General Gale T. Cummings, now residing in Colorado, where he has been an attorney. Carol Ellsberg filed for divorce on March 22, 1965, on charges of extreme cruelty, and a final judgment of divorce was granted in Los Angeles, California, on June 17, 1966. The two children born of that marriage, Robert Boyd Ellsberg, 15, and Mary Carol Ellsberg, 13, reside with their mother in Los Angeles and have visited with their father occasionally in California and Massachusetts in recent years.



Ellsberg's second and current wife is Patricia Valerie Marx to whom he was married on August 8, 1970. She is the daughter of Louis Marx, president of Louis Marx and Company, New York City, a toy manufacturing concern. Patricia Marx, a graduate of Radcliffe College, Cambridge, Massachusetts, formerly conducted interview programs for radio and television stations in New York City.

Daniel Ellsberg

Employment

Ellsberg was associated with the Rand Corporation, Santa Monica, California, from 1958 to 1964 in the economics field. From October 13, 1964, to September, 1965, he was an assistant to the late John McNaughton, Assistant Secretary of Defense for International Security Affairs, at the Pentagon. During that period, Secretary McNaughton became disenchanted with Ellsberg and had him moved into a small office nearby.

On September 26, 1965, Ellsberg began a tour of duty with the United States Department of State, serving in Saigon as an International Relations Officer. He was on the staff of retired Major General Edward Lansdale who was a special assistant to the United States Ambassador for implementation of the pacification program. Ellsberg made studies of the results of pacification efforts. In 1966, this program was reorganized and Ellsberg was assigned to work under the then Deputy United States Ambassador, William Porter. In 1967, Ellsberg contracted hepatitis and following hospitalization in South Vietnam and Thailand returned to the United States. He resigned from the Department of State in July, 1967, for personal reasons. He held a top secret clearance in connection with the above employment.

He joined the staff of Rand Corporation at Santa Monica, California, on July 28, 1967, and was granted a top secret clearance. He served as a senior researcher and economist until May 20, 1970. During the period of his employment at the Rand Corporation, he was involved in the preparation of

Daniel Ellsberg

studies related to United States involvement in Vietnam, including a portion of the so-called "McNamara Study." He also participated in 1969 in the preparation of National Security Council Study Memorandum Number One.

In 1968, 1969 and 1970, he presented his views doubting the wisdom of United States involvement in South Vietnam before several conferences sponsored by academic societies, as well as in writings that were prepared corollary to his Rand Corporation studies and made public following clearance by Rand.

In October, 1969, Ellsberg with several other Rand Corporation employees prepared and signed a letter opposing the war in Vietnam. They proposed to send it to several newspapers for publication and discussed the matter with Henry S. Rowen, the President of Rand Corporation. Rowen agreed that they could make known their association with the Rand Corporation in the letter inasmuch as he did not want to restrict their activities on grounds of their employment with the Rand Corporation. The letter was later printed in "The New York Times" of October 9, 1969, and "The Washington Post" of October 12, 1969.

Ellsberg has stated that he left the Rand Corporation because of a desire for greater freedom to express opposition to the war in Vietnam. He was retained as a consultant until September, 1970.

Since May, 1970, he has been employed as a research associate at the Center of International Studies at the Massachusetts Institute of Technology, Cambridge, Massachusetts.

When Ellsberg entered on duty with the Rand Corporation in July, 1967, he signed an agreement to protect classified defense information as well as to sign a "Security Termination Statement" indicating that he had returned all classified material prior to a time of termination of employment. The Rand Corporation has advised that Ellsberg failed to sign such a statement when he left in May, 1970, and, as a result, he was sent copies of the "Security Termination Statement" on November 20, 1970; February 2, 1971; and March 30, 1971. He was requested by each accompanying letter to sign and return the statement. He has not complied with these requests.

Daniel Ellsberg

THE CRIMINAL ACT

Ellsberg's Possession of the "McNamara Study"

While Ellsberg was employed by the Rand Corporation, Santa Monica, California, the entire 47-volume "McNamara Study" was available to him. Rand Corporation records indicate that 27 volumes were charged out by Ellsberg between October 23, 1969, and April 10, 1970. At the time Ellsberg terminated employment with Rand during May, 1970, he turned in to Rand 18 volumes of a preliminary draft of the "McNamara Study," which he was not known previously to have had.

With respect to the 18 volumes, Ellsberg obtained ten of them in March, 1969, and eight in August, 1969, at the Rand Corporation, Washington, D. C., for delivery to the Rand Corporation, Santa Monica, California. When furnished these volumes for delivery, he was given memoranda authorizing him to act as a courier and charging him with the security of the information. The memoranda specifically instructed Ellsberg that upon delivery of the documents, the memoranda designating him as a courier and charging him with the security of the information were to be returned to the Washington, D. C., office of Rand. Neither of the memoranda has ever been returned to Rand, nor were the receipts which he executed for the volumes returned.

Reproduction of Classified Documents by Ellsberg

In approximately October, 1969, Daniel Ellsberg, on several occasions, together with other individuals, utilized Xerox equipment at a firm operated by one Lynda Sinay in Los Angeles, California, to reproduce classified documents. On one or more of the occasions, the other individuals who were present and reportedly assisted in some fashion in the duplicating were Lynda Sinay; [REDACTED]

[REDACTED] Anthony Russo, a friend of Ellsberg and former employee of the Rand Corporation; [REDACTED] who may be identical with [REDACTED]

[REDACTED] a former associate and fellow employee of Ellsberg at the Rand Corporation in California, currently employed by the [REDACTED]

Daniel Ellsberg

[redacted] was interviewed by a State Department representative on July 29, 1971, in [redacted] [redacted] admitted being at an advertising firm on one occasion when Ellsberg duplicated documents. He estimated this to have been about one and a half to two years ago. He denied being aware of any other efforts by Ellsberg to reproduce material. [redacted] contended that he did not actually see the documents Ellsberg reproduced but assumed that the material was from the Rand Corporation in California.

According to [redacted] Ellsberg told him that he, Ellsberg, intended to make the copied documents available to a Senate committee.

[redacted] advised the State Department representative that he would not testify in United States Federal Court or take any action which could possibly incriminate Ellsberg. His reasons were: (1) He is a close friend of Ellsberg and (2) If he appeared in Court, he would, for strong personal political reasons, be morally compelled to denounce various actions taken by the United States in Vietnam. [redacted] indicated he was "totally aware of his United Nations status and all privileges and shortcomings inherent in such a position."

[redacted] was reinterviewed on July 31, 1971, in [redacted] at [redacted] at which time he furnished substantially the same information and reiterated his feelings with respect to testifying in Federal Court.

On June 24, 1971, Anthony Russo appeared before a Federal Grand Jury in Los Angeles, California, and refused to testify on the grounds that he might incriminate himself. Arrangements were then made to grant him immunity from prosecution, but he again refused to testify and a contempt charge was placed against him. Russo's attorney claimed that the immunization was invalid, but at a hearing on July 2, 1971, the contempt charge was upheld with execution of sentencing postponed to permit Russo's attorney to file an appeal.

Daniel Ellsberg

The Furnishing of or Attempts to Furnish Documents to Government Officials by Ellsberg

Subsequent to the duplicating of documents in about October, 1969, Ellsberg is alleged to have stated that he intended to furnish the copies of the documents to Senator J. William Fulbright and to former Senator Charles E. Goodell.

In about December, 1970, or January, 1971, Ellsberg attempted to furnish unidentified documents to Senator George S. McGovern. The "Washington Post" issue of July 31, 1971, set forth an article entitled "McGovern Suggested Disclosure by Ellsberg." This article set forth information attributed to the Sunday newspaper supplement "Parade," which identified Senator McGovern as having stated that he suggested to Daniel Ellsberg that Ellsberg make the Pentagon papers available to a respectable newspaper. In the August 1, 1971, edition of the "Washington Post," Senator McGovern's press secretary was reported to have denied this.

In the Spring of 1971, Ellsberg furnished a document to Senator Charles McC. Mathias, Jr. This document has been identified as a copy of the National Security Council Study Memorandum Number One, dated 1969, which set forth background information on Vietnam. Ellsberg had access to this document in about April, 1969, when he assisted in analyzing the results of a questionnaire disseminated to various Government agencies. These results were incorporated into the National Security Council Memorandum. At that time, although Ellsberg was still employed by the Rand Corporation, he was working for Morton Halperin, who, in turn, was working for Dr. Henry A. Kissinger. Parts of this memorandum are classified "Confidential" and parts are classified "Secret."

Representative Paul N. McCloskey, Jr., is in possession of documents which he has publicly admitted were given to him by Daniel Ellsberg. Ellsberg and McCloskey are known to have been in personal contact during May, 1971.

Reproduction of Documents by Cornelius Mahoney Sheehan, Also Known as Neil Sheehan, and His Wife, Susan Sheehan

"The New York Times" articles pertaining to this investigation carried the by-line of Neil Sheehan, a correspondent for "The New York Times." Investigation has indicated that

Daniel Ellsberg

Neil Sheehan, using the alias "Samuel Johnson," resided at the Treadway Motor House, Cambridge, Massachusetts, during the periods March 16 to March 18, 1971; March 20 to March 23, 1971; and April 7 to April 8, 1971. Investigation has further indicated that Sheehan's wife, Susan, resided at the Continental Hotel, Cambridge, Massachusetts, during the period March 21 to March 23, 1971, under the name "Susan Dowling." During the period March 21 through March 23, 1971, the Sheehans arranged for and participated in extensive copying of what appeared to be Xerox copies of documents. The duplicating occurred at two firms in Massachusetts, one in Bedford and the other in Boston. William Kovach, a reporter for "The New York Times," is possibly identical with an individual who, on March 21, 1971, arranged by telephone for Susan Sheehan to make contact with one of the duplicating firms.

Four blurred Xerox copies that were discarded while the duplicating was in progress at one of the firms have been obtained by the FBI. The National Security Agency has advised that these discarded copies are reproductions of pages appearing in the 47-volume "McNamara Study."

A check has been made of telephone calls charged against the rooms occupied, respectively, by Neil Sheehan at the Treadway Motor House and by Susan Sheehan at the Continental Hotel. Interviews have also been conducted with taxicab drivers who transported individuals between these two points as well as between the duplicating firms and an apartment in Cambridge, Massachusetts, at 4 Trowbridge Place, which is rented by Spencer B. Marx, half-brother of Ellsberg's wife, Patricia. There were other telephone calls and taxi service involving these same points and 10 Hilliard Street, Cambridge, where Ellsberg has his residence. A study of the results of these inquiries has indicated that Susan and Neil Sheehan participated personally in the duplicating of a large number of documents. They possibly utilized the apartment of Spencer B. Marx as a temporary repository for the documents being copied and the copies made. Investigation has also indicated that they were working under some time element, since Neil Sheehan expressed, in the presence of employees at one of the duplicating firms, concern over not getting the job completed in time.

Daniel Ellsberg

Our investigation has suggested the possibility that Neil Sheehan did not realize the extent of the job being undertaken at the outset of the duplicating process. In this connection, during the period March 21 to March 23, 1971, he received a total of \$1,000 from "The New York Times" over Western Union facilities. He arranged for the duplication of 8,929 copies of documents.

One phase of the investigation which is as yet unresolved relates to a total of six telephone calls placed from "Sandel Johnson's" room at the Treadway Motor House after 7 p.m. on Sunday, March 21, 1971, to locksmith firms. Interviews of the owners or operators of these firms have revealed that they were not open at the times the calls were placed and apparently the calls were not completed. In an effort to establish the reason for Sheehan's efforts in attempting to contact locksmiths in the Cambridge area, interviews have been conducted with the owners or operators of 31 additional such establishments without developing any significant information.

Our investigation has shown that the reproduction of documents by the Sheehans was completed at 5:45 a.m. on March 23, 1971. At 7:10 a.m. on that same day, a taxicab driver called at the residence of Daniel Ellsberg and transported a male passenger to Logan International Airport, Boston, Massachusetts. The taxicab driver was unable to say whether a photograph of Ellsberg resembled his passenger. We have established through investigation that Ellsberg and his wife departed from New York City for Trinidad by air at 9:15 on the morning of March 23, 1971.

On March 11, 1971, or March 12, 1971, the maintenance man at the apartment house where Spencer Marx' apartment is located was personally asked by Spencer Marx to make periodic checks of the apartment. On March 14, 1971, he was telephonically instructed by Mrs. Louis Marx, mother of Spencer Marx, to hold in abeyance the prior request of Spencer Marx. This apartment is protected by a burglar alarm system which can be turned off with a key at the entrance door. This suggests the possibility that Neil Sheehan may have had access to a key to this system for duplication purposes and, if so, this may account for the calls to the locksmiths described above.

Daniel Ellsberg

Preparation of "The New York Times" Articles

The records of the New York Hilton Hotel revealed that on April 21, 1971, [REDACTED] to the Managing Editor of "The New York Times," made a reservation for the following day for a three-room suite. The suite was occupied on April 22, 1971, by [REDACTED] of "The New York Times." During the period of April 27, 1971, to June 11, 1971, additional rooms were rented, making a total of ten. On June 17, 1971, [REDACTED] notified the hotel that he no longer needed four of the ten rooms and he, thereafter, released others. As of July 1, 1971, [REDACTED] occupied a single room. Records regarding food and laundry charges indicated [REDACTED] and [REDACTED] all of whom are employees of "The New York Times," resided in the rooms. Bills for the rooms were sent to "The New York Times" and estimated charges to July 7, 1971, were \$25,000.

In the publication, "Times Talk," volume 23, number 3 dated June, 1971, which is published by "The New York Times," the preparation of "The New York Times" release of material, based on the "McNamara Study," was described as a "hush-hush project of record magnitude." The article stated that Gerald G. was assigned to work on a "big project" with Neil Sheehan and that Gold checked into a two-room suite in the Jefferson Hotel in Washington, D. C., on April 5, 1971, where he met with Sheehan. For two weeks they reportedly worked out the dimensions of the project and assembled a library of books and periodicals on Indochina and Vietnam to guide them in determining what in the "Pentagon History" was public knowledge and what was not. After two weeks in Washington, Sheehan and Gold briefed the top management of "The New York Times" and the project was moved to New York City where, on April 22, 1971, Sheehan and Gold moved into the Hilton Hotel. Among employees of "The New York Times" identified in the article as assisting in the project were Butterfield, Kenworthy and Smith.

ADMISSIONS BY DANIEL ELLSBERG
RELATING TO DISCLOSURE OF THE "MC NAMARA STUDY"

The following information has been developed concerning admissions made by Daniel Ellsberg with relation to the "McNamara Study" and the unauthorized disclosure of this material.

Daniel Ellsberg

On the morning of June 28, 1971, Ellsberg appeared at the United States Court House, Boston, Massachusetts, at which time he was briefly questioned by representatives of the press, radio and television. In response to questions put to him, Ellsberg stated that during the Fall of 1969 he had gone to the Chairman of the Senate Foreign Relations Committee in an effort to tell him about information which was then known only to Ellsberg and a few others and was not public. According to Ellsberg, he got nowhere on this occasion.

Ellsberg also stated that he had made the decision to give this information to the newspapers and he was solely responsible for this action. He said he knew he was violating security regulations in doing so, but that he had taken this action on his own initiative and was prepared to take the consequences.

Following his arrest in Boston, Massachusetts, on June 28, 1971, by Agents of the FBI, based on charges that Ellsberg had violated the Espionage Statutes, he held a lengthy press conference at the Sheraton Commander Hotel, Cambridge, Massachusetts, on July 1, 1971. His remarks were addressed to the subject of the McNamara Study and there follow pertinent quotations from comments made by Ellsberg on this occasion:

"...the press and I...share the responsibility for the decision to bring this news...to the American public. I couldn't have done it by myself...."

"There were, in fact, several volumes dealing with negotiations...nevertheless, I did not want to contribute to even the possibility that I would get in the way of negotiations like that; therefore, I did exercise the judgment of giving those materials to the Senate Foreign Relations Committee which I felt had quite an overriding need to know and not to any newspapers."

"I released these Studies because I felt that the concealment of this information for twenty-five years has now led to the deaths of 50,000 Americans...."

"...a decision that I made some two years ago that this information should be available to Congress...."

"I am not going to name any individual paper; I gave them to the papers of this country."

Daniel Ellsberg

"To my knowledge, all of them...." (Response to question as to whether he was the source of the McNamara Study documents published in all the newspapers or only certain ones.)

"I must say I exercised certain personal tastes. I was anxious to give it to newspapers that I thought had told me the truth in the past...."

On the following day, July 2, 1971, Ellsberg appeared as a guest on "The Today Show," a television production of the National Broadcasting Company (NBC). His statements on this show again concerned, for the most part, the McNamara Study and its unauthorized disclosure to the press. In this connection, Ellsberg commented that he regretted there had been a time lag of about two years from the time he decided to make these papers public until the time they actually became public. He said he expected Senator Fulbright to do more with them than he did and that he had hoped there would be hearings in this connection. He said he finally decided he would have to go further when the actions he took at that time failed to get the information to Congress or the public.

On July 9, 1971, Daniel Ellsberg was interviewed by reporters at the National Press Club, Washington, D. C. In reporting this event, the "Washington Post," in its issue of July 10, 1971, quoted Ellsberg as stating that he was "the man who made available the secret history of the Vietnam war to reporters."

Several days later, on July 13, 1971, Daniel Ellsberg appeared as a guest on "The Dick Cavett Show," a television production of the American Broadcasting Company (ABC). The interview again related to the McNamara Study and on this occasion Ellsberg divulged the fact that in 1969 he had decided to reveal this information as the result of an incident involving eight Green Berets who were charged with assassinating an alleged Vietnamese agent. According to Ellsberg, the then Secretary of the Army dropped charges against the eight for security reasons. Ellsberg said he knew, however, the reason announced by the Secretary in dropping these charges was a lie and that the White House had actually made this decision. He stated that it was at this point in time he decided he could no longer be part of a system which would conceal murder by lying and soon after decided to reveal the information comprising the McNamara Study.

Daniel Ellsberg

PROSECUTIVE ACTION

On June 21, 1971, a Federal Grand Jury at Los Angeles, California, commenced hearing testimony regarding the disclosure of the "McNamara Study," with subsequent appearances before that body by Mrs. Carol Ellsberg, officials and employees of the Rand Corporation, Lynda R. Sinay and Anthony Joseph Russo, Jr.

On June 25, 1971, the Deputy Chief of the Criminal Section of the Internal Security Division, Department of Justice, authorized filing of a complaint charging Ellsberg with violation of Title 18, United States Code, Section 793 (e). The complaint alleged that on or about October, 1969, within the Central District of California, Daniel Ellsberg, having unauthorized possession of, access to, and control over copies of certain documents and writings related to the national defense, to wit: separately bound volumes of sets consisting of 47 and 18 volumes, respectively, of Xerox copies of a study of United States - Vietnam relations for the period of 1945 to 1967, consisting of descriptive text, cablegrams, memoranda, decision papers and other internal executive branch documents, all but one of which documents were classified "Top Secret"; the remaining document being classified "Confidential"; did willfully and unlawfully retain the same and fail to deliver them to the officer or employee of the United States entitled to receive them, in violation of Title 18, Section 793 (e), United States Code.

The complaint was filed before the United States Magistrate at Los Angeles on June 25, 1971, by a Special Agent of the FBI and an arrest warrant was issued. Bond was recommended in the amount of \$100,000.

On June 28, 1971, the Grand Jury at Los Angeles returned a two count indictment charging Ellsberg as follows: Count one charges that Daniel Ellsberg in violation of Title 18, United States Code, Section 793 (e), to wit: on various dates within the period from in or about September, 1969, to in or about October, 1969, the exact dates being to the Grand Jury unknown, within the Central District of California, Daniel Ellsberg, having unauthorized possession of, access to, and control over copies of certain documents and writings relating to the national defense, which documents and writings were originally contained in separately bound volumes of sets consisting of 47 and 18 volumes, respectively, of Xerox copies

Daniel Ellsberg

of a study entitled "United States - Vietnam Relations, 1945 to 1967," consisting of descriptive text, cablegrams, memoranda, decision papers, and other internal executive branch documents, all but one of which documents were classified "Top Secret," the remaining document being classified "Confidential"; did willfully, knowingly and unlawfully retain the same and fail to deliver them to the officer or employee of the United States entitled to receive them.

Count two charges violation of Title 18, United States Code, Section 641, in that on various dates within the period from in or about September, 1969, to in or about October, 1969, the exact dates being to the Grand Jury unknown, within the Central District of California, Daniel Ellsberg did willfully, knowingly and unlawfully convert to his own use, copies of certain documents and writings, which documents and writings were originally contained in separately bound volumes of sets consisting of 47 and 18 volumes, respectively, of Xerox copies of a study entitled "United States - Vietnam Relations, 1945 to 1967," consisting of descriptive text, cablegrams, memoranda, decision papers and other internal executive branch documents, the aforesaid documents and writings being things of value to the United States, having a value in excess of \$100.

On June 28, 1971, Daniel Ellsberg, accompanied by his wife, Patricia, arrived at the United States Court House and Post Office Building, Boston, Massachusetts, where, with his attorneys, Leonard Boudin and Charles R. Nesson, he surrendered himself to the United States Attorney and was placed under arrest by Special Agents of the FBI. He was processed by the United States Marshal's Office and immediately taken before United States Magistrate Peter W. Princi. During the ensuing hearing, arguments were advanced by Ellsberg's attorneys for reduction of the \$100,000 bail recommended and Ellsberg made a personal appeal to the Magistrate for his release on his own recognizance. Magistrate Princi set Ellsberg's release on \$50,000 bond without surety and, as a condition precedent to his release, Ellsberg was requested to turn in his current passport which he did in open court to United States Attorney Herbert F. Travers, Jr. Under the provisions of his bond Ellsberg is restricted to the continental limits of the United States. A removal hearing was tentatively scheduled for July 15, 1971.

Daniel Ellsberg

During the course of subsequent written and oral arguments presented by Ellsberg's attorneys and by the United States Government, it was contended that the charges against Ellsberg had been based on the Government's use of illegal electronic overhearings of telephone conversations. Counterarguments by the Government in summary stated that the removal hearing was not the correct procedural stage for consideration of electronic overhearings as an element to the validity of the charges, pointing out that such consideration should be given in pretrial hearings in the District to which Ellsberg should be removed. Magistrate Princi has indicated that he will rule on these arguments and removal sometime during the period of August 2-6, 1971.

TRANSITION FROM "HAWK" TO "DOVE"

Information has been developed that during the time Daniel Ellsberg attended graduate school at Harvard University during 1957 and 1958, he was convinced that United States policies toward Southeast Asia were correct and proper. He likewise felt that actions taken to implement these policies were bound to be successful because they were based on correct policies. Ellsberg believed that United States policies in Southeast Asia were the only rational ones to follow with regard to the international problems presented by the political and military situation existing in that area.

His professor at that time, [REDACTED] advised that Ellsberg believed in rationality above all else and was firmly convinced any national policies which were rational must be correct. [REDACTED]

[REDACTED] located on [REDACTED] considered Ellsberg's release of the "McNamara Study" irrational and definitely out of character for the Ellsberg he had previously known. He had no explanation for the radical change in attitude on the part of Ellsberg.

It is noted that an associate of Ellsberg at Rand Corporation, who had first met him in 1958, described Ellsberg as a person with a propensity for self-dramatization and

Daniel Ellsberg

stated Ellsberg's pattern of behavior had been very devious and unscrupulous. Ellsberg was stated to be a person who has no sense of personal obligation.

During 1964 and 1965, Ellsberg participated in seminars at the Department of Defense and was considered to be an articulate individual with definite views of his own and unusual slants on problems encountered. During a 1965 seminar, he eloquently supported the suggestion of Major General Edward G. Lansdale, United States Air Force (retired) regarding the need for a "political base" in South Vietnam. General Lansdale has advised that Ellsberg subsequently joined the General's staff in South Vietnam doing staff studies on the pacification campaign. His job related to the counterinsurgency program and Ellsberg was completely in favor of United States support to South Vietnam in the war effort. At that time there reportedly were no questions in Ellsberg's mind about whether the United States should be in South Vietnam.

During 1966, while in South Vietnam, Ellsberg volunteered for two weeks of active duty with the United States Marine Corps in which he held a reserve commission. General Lansdale advised that during this two weeks' tour, Ellsberg engaged in combat missions.

General Lansdale stated that the first indication of a change in attitude by Ellsberg occurred when he informed General Lansdale that, along with other Rand Corporation employees, he, Ellsberg, was submitting a letter to "The New York Times" and other newspapers speaking out against United States policy in Vietnam. This occurred in October, 1969.

Subsequent to Ellsberg's return to the United States in 1967, he joined the Vietnam Task Force Study Group. It was observed that he was not productive and spent the major portion of his time reading material available to the study group. It was further mentioned that Ellsberg, at that time, appeared tired and disturbed and it was felt this was perhaps due to the fact he was convalescing from an attack of hepatitis contracted in South Vietnam.

Daniel Ellsberg

Paul C. Warnke, former Assistant Secretary of Defense, International Security Affairs, has related that Ellsberg visited him in February and March, 1968, to discuss the Vietnam situation. At the time Ellsberg felt discouraged and pessimistic about what was about to happen in Vietnam, particularly regarding the Tet Offensive. At the time Ellsberg, however, did not appear to question United States objectives and made no irrational statements concerning United States involvement.

In March, 1968, Leslie H. Gelb, former Director of the Vietnam Task Force Study Group, informed Department of Defense investigators that Ellsberg was considered to be "dovish."

Since September, 1969, Ellsberg has talked to many persons about an obligation to speak out and inform the public concerning United States involvement in the Vietnam war. He reportedly feels that public officials should be doing more to bring about an end to the war and has indicated he is personally willing to go to jail for his cause.

Reports in the press and elsewhere stating that Ellsberg, in giving out the "McNamara Study" and participating in antiwar demonstrations, was influenced by his wife, Patricia Marx Ellsberg, have been discounted by Morton H. Halperin, a former associate in the Department of Defense. Mr. Halperin has stated that Daniel Ellsberg is the dominant intellect and personality and his wife has followed Ellsberg's lead in the transition from "hawk" to his present antiwar position.

Former associates at Rand Corporation have described Ellsberg as a "hawk" prior to going to Vietnam in 1965 with General Lansdale. Since his return from Vietnam in 1967, he has been obsessed with the Vietnam topic and it was felt by former associates that he has lost his sense of balance and has a distorted perspective.

An individual who visited Ellsberg in Thailand in 1967, at which time Ellsberg was hospitalized with hepatitis, stated that during that period Ellsberg was still enthusiastic about the United States role in Vietnam and felt that the United States must work harder to solidify its position and strengthen the South Vietnamese Government. This individual,

Daniel Ellsberg

currently with Rand Corporation, indicated that between that time and October, 1969, Ellsberg changed his position relative to the United States role in Vietnam and said this could be observed from Ellsberg's internal writings performed at Rand Corporation.

A female associate of Ellsberg, who had known him since June, 1964, stated that it was evident between May of 1968 and October of that year that Ellsberg's attitude regarding the war in Vietnam had changed from "hawk" to "dove." This person stated he changed his beliefs to nonviolence and talked against the war,

On January 14, 1971, Ellsberg appeared in United States District Court, Minneapolis, Minnesota, as a defense witness during a trial involving two individuals being tried for violation of the Selective Service Act. They were part of a group which broke into draft boards in Minnesota on July 11, 1970. During his testimony, he related he enlisted in the United States Marine Corps for two years in 1954 even though he had a "broken knee" and could have claimed a medical disability. He felt obligated to enlist since he had been deferred for three years during the Korean war to pursue his education. He testified that in 1965, while working for the Department of Defense, he had drafted a speech for the Secretary of Defense justifying and explaining mobilization orders which were contemplated in July, 1965. Since the mobilization did not come about, the speech was not delivered. At that time he resigned from the Department of Defense in order to go to Vietnam with the State Department so he could participate in the effort in that country. He further testified that he returned to the United States in 1967 and worked for the Rand Corporation until April, 1970, when he resigned in order to be able to speak freely to the public and to write freely. Ellsberg said he had not personally made a recommendation concerning the ending of the war to the administration. It had, however, been included among options he helped draft for the President. His testimony included the statement, "It was not until September, 1969, that I came to join my other colleagues in believing that it remained as the essential strategy we should follow." Ellsberg stated he felt the President should make a public commitment to totally evacuate United States troops from Vietnam as soon as possible.

Ellsberg testified that acts of nonviolence, as he interpreted them, by friends who were in prison led him to believe that he should consider changing his life. This meant

Daniel Ellsberg

doing things outside the rules of his professional life which had been involved entirely in speaking to the executive branch of the Government. He felt he had to abandon that career and tell the public what the acts of those people had meant to him.

Intelligence Division

INFORMATIVE NOTE

Date 6/5/73

ELLSBERG CASE

District Attorney [REDACTED]
Los Angeles, California, advised our Los Angeles (LA) Office on 6/4/73, he had not received FD-302s (form for reporting information that may become testimony) pertaining to interviews with John Ehrlichman, 4/27 and 5/1/73. These are to be furnished to [REDACTED] on 6/5/73. [REDACTED] said he would not need FD-302s (two) pertaining to interviews of [REDACTED] on 5/2 and 4/73. These interviews were negative in nature. [REDACTED] was advised the FBI does not have, and was not aware of, a summary of the Ellsberg burglary prepared by Ehrlichman while he was at the White House. [REDACTED] stated that according to General Robert Cushman, Ehrlichman told Cushman that Ehrlichman has been requested by unnamed persons in the Department of Justice to make a complete summary of the Ellsberg burglary. [REDACTED] was advised by LA Office that Ehrlichman was interviewed by FBI Agents on 5/11/73 but interview did not concern Ellsberg; [REDACTED] replied he was not interested in this interview since it did not concern Ellsberg. In response to inquiry by [REDACTED] he was told there were

HEM:jaw
[REDACTED]

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(continued - over)
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interviews of Charles Colson on 5/8, 16/73 and an interview of Robert Haldeman on 5/1/73. [redacted] requested these interviews, but only if they concerned Ellsberg.

LA requests authority to furnish Colson and Haldeman interviews to [redacted]. If approved, Special Prosecutor Archibald Cox will be asked whether he desires that these be furnished to [redacted] and we will be guided by his decision. Copies of the FD 302s on the Colson and Haldeman interviews are attached for information.

Mr. Cox, who on 6/4/73 requested [redacted] to see that [redacted] was furnished FD 302s on Ehrlichman and Krogh, will be advised by letter of action taken in this matter.

EM/maul

OK JH
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7

JK

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall

-The Attorney General

July 22, 1971

Director, FBI

1 - Mr. Wagoner
1 - Mr. J.M. Sizoo

DANIEL ELLSBERG
ESPIONAGE - X

I am enclosing a summary concerning a facet of the character of Daniel Ellsberg. This document may assist you in understanding his motivation in releasing the so-called "McNamara Study" and his desire to dramatize his activities in this regard.

A copy of this summary is being furnished the Honorable H. R.aldeman, Assistant to the President.

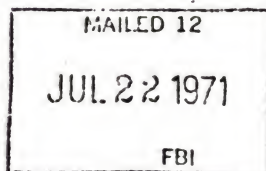
Enclosure

- 1 - The Deputy Attorney General (Enclosure)
- 1 - Assistant Attorney General (Enclosure)
Internal Security Division

JMS:jew
(13)

NOTE:

See memo W.R. Wannall to C.D. Brennan dated 7/20/71, captioned "MC LEK; Nationalities Intelligence," prepared by JMS:amt/jew.



EX 101

REC 17

JUL 23 1971

Tolson _____
Felt _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Gale _____

Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

97 JUL 28 1971

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

SECRET

1 - Mr. Sullivan
 1 - Mr. Mohr
 1 - Mr. Bishop
 1 - Mr. Dalbey
 1 - Mr. Brennan
 1 - Mr. Wannell
 1 - Mr. Wagone

August 3, 1971

BY LIAISON

Honorable Egil Krogh, Jr.
 Deputy Assistant to the President
 for Domestic Affairs
 The White House
 Washington, D. C.

Dear Mr. Krogh:

By letter dated July 20, 1971, the President advised me that he had directed that you examine in depth the circumstances of the many recent disclosures of Top Secret and other sensitive material to the public. He asked that I forward to you all information acquired to date, including individual reports of interviews, with respect to 17 persons who were named in an attachment to his letter. One of these was Daniel Ellsberg, principal suspect in the disclosure of the "McNamara Study" to various newspapers. He asked that a comprehensive background paper on Ellsberg be sent to you.

Enclosed are 17 memoranda containing the information mentioned by the President. We have interviewed six of the individuals involved in connection with our investigation in the Ellsberg case. We also endeavored to interview a sixth one, [REDACTED] but he declined to submit to interview by the FBI without the specific clearance of Deputy Attorney General Richard G. Kleindienst.

If you concur, we will proceed with interviews of all the remaining individuals except Daniel Ellsberg.

By separate communication, I am furnishing a copy of each of the enclosures to the Attorney General. Upon removal of the classified enclosures, this transmittal letter may be declassified.

Sincerely yours,

DELIVERED BY LIAISON
 ON

Enclosures - 17

MAIL ROOM

TELETYPE UNIT

SECRET

ENCLOSURE

SEE NOTE, PAGE 2

Tolson _____
 Belmont _____
 Sullivan _____
 Mohr _____
 Bishop _____
 Brennan, C.D. _____
 Callahan _____
 Casper _____
 Conrad _____
 Dalbey _____
 Gale _____
 Ponder _____
 Rosen _____
 Tavel _____
 Walters _____
 Soyars _____
 Tele. Room _____
 Holmes _____
 Gandy _____

AUG 12 1971

ENCLOSURE

ENCLOSURE BEHIND FILE

4436
 10-11-71
 10-11-71

Honorable Egil Krogh, Jr.

NOTE:

See cover memorandum Wannall to Brennan, captioned "McLek," dated 3/2/71, prepared by WRW:ams.

Classified "Secret" since it encloses memoranda, two of which are so classified.

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. Wagoner
July 22, 1971

X
DANIEL ELLSBERG
ESPIONAGE - X

1 - Mr. J. H. Sizoo

SUMMARY

The following information concerning Daniel Ellsberg has been developed by this Bureau in its continuing investigation of Ellsberg and matters pertinent to publication by "The New York Times" of the so-called "McNamara Study" which dealt with United States-Vietnam relations during the period 1945 to 1967.

[REDACTED]

Tolson _____
Felt _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

JES:jew/jan
(13)

ENCLOSURE

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

4436
SEE NOTE PAGE TWO

Wish 641
C/S
EPA

Daniel Ellsberg

[REDACTED]

James R. Schlesinger, Assistant Director of the Budget, Office of Management and Budget, Executive Office of the President of the United States, has advised he was acquainted with Ellsberg during Ellsberg's 1958-1964 association with the Rand Corporation. Schlesinger has noted that Ellsberg had many girl friends and on occasion would take his children with him while on a personal escapade. Schlesinger also advised that Ellsberg had a propensity for self-dramatization and he considered Ellsberg's behavior to have been devious and unscrupulous.

[REDACTED]

NOTE: See memo W.R. Wannall to C.D. Brennan, dated 7/20/71, captioned "MC LEK; Nationalities Intelligence," prepared by JMS:amt/jew. Xerox copies of enclosure sent to Attorney General, Deputy Attorney General, and Assistant Attorney General of Internal Security Division. (Original sent to Mr. Haldeman at the

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop

July 22, 1971

BY LIAISON

1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. Wagoner
1 - Mr. J.M. Sizoo

Honorable H. R. Haldeman
Assistant to the President
The White House
Washington, D. C.

Dear Mr. Haldeman:

Enclosed as of possible interest to the President is a summary concerning the character of Daniel Ellsberg. This document shows a facet of Ellsberg's character which may assist in understanding his motivation in releasing the so-called "Mellamara Study" and his desire to dramatize his activities in this regard.

A copy of this summary is being furnished to the Attorney General.

Sincerely yours,

Enclosure

JMS:jew
(10)

NOTE: See memorandum W.R. Wannall to C.D. Brennan, dated 7/20/71, captioned "MC LEK; Nationalities Intelligence," prepared by JMS:ant/jew.

Xerox copies of enclosure sent to the Attorney General, the Deputy Attorney General, and the Assistant Attorney General of Internal Security Division. (Original sent to Mr. Haldeman at the White House)

MAIL ROOM ☐ TELETYPE UNIT ☐

DELIVERED BY LIAISON

ON

JUL 30 1971

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : W. R. Wannall

SUBJECT: MC LEK
NATIONALITIES INTELLIGENCE

1 - Mr. W.C. Sullivan
1 - Mr. J.P. Mohr
1 - Mr. Bishop

DATE: 7/20/71

1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. J.R. Wagoner
1 - Mr. J.M. Sizoo

Tolson _____
Felt _____
Sullivan _____
Mohr _____
Bishop _____
Crennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
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Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

We are interviewing the [REDACTED] as well as past and present acquaintances of Daniel Ellsberg in connection with our investigation regarding charges of his unauthorized possession and disclosure of the so-called Pentagon Papers. In addition to obtaining information relating to these charges, some of our interviews to date have developed a picture of Ellsberg as an individual of questionable moral character with an obvious preoccupation with sexual matters.

It is believed this information would be of interest to the President and the Attorney General since it shows a facet of Ellsberg's character which would assist them in understanding his motivation in releasing the Pentagon Papers and his desire to dramatize his activities in this regard.

[REDACTED]

Enclosures

ENCLOSURE

REC 17 JUL 27 1971

EX 101

59 JUL 20 1971

CONTINUED - OVER

Memo to Mr. Brennan
RE: MC LEK
NATIONALITIES INTELLIGENCE

James R. Schlesinger, Assistant Director of the Budget, Office of Management and Budget, Executive Office of the President of the United States, has advised he was acquainted with Ellsberg during Ellsberg's 1958-1964 association with the Rand Corporation. Schlesinger has noted that Ellsberg had many girl friends and on occasion would take his children with him while on a personal escapade. Schlesinger also advised that Ellsberg had a propensity for self-dramatization and he considered Ellsberg's behavior to have been devious and unscrupulous.

[redacted] of Santa Monica, Calif., have advised they knew Ellsberg socially several years ago but came to dislike him intensely because of his preoccupation with sex.

RECOMMENDATION:

That attached letters with enclosures be sent to the Honorable H. R. Haldeman as of possible interest to the President and to the Attorney General with copies to the Deputy Attorney General and the Assistant Attorney General, Internal Security Division. The enclosures contain the foregoing information.

Memorandum to Mr. W. Mark Felt
Re: Daniel Ellsberg
65-74060

MR YOUNG

Supplied by [REDACTED] This material, according to the reported statement of Mr. Schlesinger, "was judged insufficient" by The White House. Additional material, including classified information from the Justice and State Departments, was given to the agency, according to Mr. Schlesinger, and the final document was delivered to The White House by [REDACTED] on 11/12/71.

DR MARY

Memorandum to Mr. W. Mark Felt
Re: Daniel Ellsberg
65-74060

It is noted that the contents of Hunt's safe were received by this Bureau from The White House in June, 1972. As noted in a memorandum dated 5/4/73 from R. D. Cotter to Mr. E. S. Miller, a review of the material in Hunt's possession disclosed that although various FBI interview report forms and partial reports, plus a teletype, were included therein, it was believed that the copies originated from within the Internal Security Division (ISD) of the Department of Justice.

Relative to the existence of FBI documents on Ellsberg which we have furnished to The White House, the following should be specifically noted:

On 7/22/71 a memorandum concerning Ellsberg was prepared and sent to The White House and Attorney General detailing various facets of Ellsberg's character. It was submitted to possibly assist the recipients' understanding of Ellsberg's motivation in releasing the "Pentagon Papers" and his desire to dramatize his activities in this regard. Considerable detail concerning Ellsberg's questionable moral character and his obvious preoccupation with sexual matters was included in the memorandum. Copies of a memorandum dated

Memorandum to Mr. W. Mark Felt
Re: Daniel Ellsberg
65-74060

7/20/71 from Mr. W. R. Wannall to Mr. C. D. Brennan and the letter and memorandum to The White House of 7/22/71 are attached.

As noted in the memorandum of 5/8/73 from Mr. E. S. Miller to Mr. W. Mark Felt, we disseminated weekly summary communications to The White House from July, 1971, to February, 1972. A review of the summaries dating from 7/6/71 to, and including 11/9/71 (a total of 19 summaries), disclosed seven summaries containing information which could be construed as facts reflecting on Ellsberg's character and which could have been suitable for use in a "psychiatric profile."

On 8/3/71 we furnished to [REDACTED] at The White House, and at the specific request of the President, memoranda and any available interview report forms concerning 17 individuals. Included in the individuals was the name of Daniel Ellsberg. In the case of Ellsberg, it had been requested that a background paper be prepared. A copy of the 8/3/71 material, as pertaining to Ellsberg, is attached.

It will be noted also that during the progress of the case, numerous reports, memoranda, and teletypes were received at FBIHQ. All of these documents pertained in some fashion to the Ellsberg investigation and were disseminated to ISD, Department of Justice, which was supervising the prosecution of Ellsberg. Additionally, during the course of the investigation, the field was directed to submit details of long distance calls made by Ellsberg and others figuring in the case [REDACTED]

[REDACTED] An analysis on a day by day basis of the whereabouts of Ellsberg was also prepared, and this was likewise furnished to ISD. We received, during the progress of the case, a telephone summary analysis made by ISD, and we also received from ISD a two-volume document entitled "Summary of Information Relative to Disclosure of the 'McNamara Papers'." This document was prepared on 8/5/71. It is not known at this time the extent of dissemination made by ISD to The White House of material furnished by the FBI to ISD or of material prepared by ISD. The extent of such dissemination by ISD to The White House is the subject of an ongoing inquiry by this Bureau.

ACTION:

None. For information.

LEB

NR013 WF CODE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

6:28PM URGENT 6-11-73 ALM

TO ACTING DIRECTOR (65-74060)

ATTENTION: INTELLIGENCE DIVISION

LOS ANGELES (105-27952)

FROM WASHINGTON FIELD (65-11613) 5P

UNITED STATES VS. ANTHONY JOSEPH RUSSO, JR.; DANIEL
ELLSBERG; ESP, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY

Mr. Felt	✓
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Glavin	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Brown	_____
Mr. Holloman	_____
Mr. Conny	_____
Mr. Niess	_____
Mr. Eardley	_____
Mrs. Hogan	_____

ASSISTANT ATTORNEY GENERAL HENRY E. PETERSEN WAS ADVISED
JUNE 11, 1973, HE WAS BEING CONTACTED AT THE REQUEST OF
SPECIAL PROSECUTOR COX REGARDING HIS KNOWLEDGE OF THE SEQUENCE
OF EVENTS COVERING THE TRANSMITTAL OF INFORMATION ABOUT THE
BURGLARY OF DR. LEWIS FIELDING'S OFFICE FROM EARL SILBERT,
U. S. ATTORNEY'S OFFICE, TO JUDGE BYRNE IN LOS ANGELES. MR.
PETERSEN FURNISHED THE FOLLOWING:

MR. PETERSEN RECEIVED A TELEPHONE CALL FROM SILBERT
APRIL 16, 1973, IN WHICH SILBERT TOLD HIM HE HAD RECEIVED
INFORMATION DURING THE COURSE OF AN INTERVIEW WITH JOHN DEAN
OR WITH DEAN'S ATTORNEYS, WHICH INDICATED "HUNT AND CO." HAD
BURGLARIZED FIELDING'S OFFICE. SILBERT SAID HE WOULD SEND
HIM A MEMO ON THE MATTER. DEAN'S LAWYERS INSISTED THE
INFORMATION WAS NOT TO BE USED FOR LEAD PURPOSES DIRECTLY
END PAGE ONE

REC-29

EX-103

JUL 9 1973

84 JUL 12 1973

PAGE TWO

OR INDIRECTLY. THE INFORMATION HAD BEEN FURNISHED BY DEAN'S ATTORNEYS SOLELY FOR PURPOSES OF DETERMINING THE GOVERNMENT'S INTEREST IN GRANTING DEAN IMMUNITY. SILBERT'S MEMO DATED APRIL 16 AND CONSISTING OF ONE PARAGRAPH WAS RECEIVED THE NEXT DAY.

MR. PETERSEN, UPON RECEIPT OF THE MEMO, SENT IT WITH INSTRUCTIONS TO DEPUTY ASSISTANT ATTORNEY GENERAL KEVIN MARONEY TO CHECK THE INFORMATION OUT AND DETERMINE IF THE FBI HAD ANY EVIDENCE OF A SUBSTANTIVE NATURE THAT MIGHT HAVE EMANATED FROM SUCH A SOURCE.

ON APRIL 18, MR. PETERSEN RECEIVED A TELEPHONE CALL FROM PRESIDENT NIXON AT CAMP DAVID AND DISCUSSED WITH HIM MATTERS DEALING WITH THE WATERGATE INVESTIGATION. THE PRESIDENT THEN ASKED IF THERE WERE ANY FURTHER DEVELOPMENTS. MR. PETERSEN TOLD THE PRESIDENT ABOUT THE BURGLARY OF DR. FIELDING'S OFFICE. THE PRESIDENT INSTRUCTED MR. PETERSEN NOT TO HAVE ANYTHING FURTHER TO DO WITH THE MATTER. AS MR. PETERSEN RECALLS THE

END PAGE TWO

PAGE THREE

CONVERSATION, THE PRESIDENT THEN SAID, "THAT'S A NATIONAL SECURITY MATTER AND I KNOW ABOUT THAT." THE PRESIDENT DID NOT ELABORATE AND MR. PETERSEN INDICATED HE DID NOT PURSUE THE MATTER. THE PRESIDENT DID NOT SPECIFICALLY SAY HE KNEW ABOUT THE BURGLARY. MR. PETERSEN THEREUPON TELEPHONED SILBERT AND TOLD HIM THE PRESIDENT SAID TO HAVE NOTHING TO DO WITH THE BURGLARY.

ON APRIL 19, MR. PETERSEN RECEIVED A MEMO FROM DEPUTY ASSISTANT ATTORNEY GENERAL MARONEY ADVISING A CHECK OF FBI AND DEPARTMENT OF JUSTICE FILES WERE NEGATIVE. THE FILES DID SHOW THE FBI CONDUCTED AN INTERVIEW WITH DR. FIELDING WHICH PRODUCED NEGATIVE RESULTS. MR. MARONEY INDICATED THAT IN A PURELY LEGAL CONTEXT, IN HIS JUDGMENT, INFORMATION ABOUT THE BURGLARY WAS NOT PRODUCIBLE UNDER THE RULE IN BRADY VS. THE UNITED STATES.

MR. PETERSEN PONDERED A COURSE^S OF ACTION TO FOLLOW IN CONJUNCTION WITH THREE RELEVANT FACTORS:

END PAGE THREE

PAGE FOUR

1. THE PRESIDENT HAD INSTRUCTED HIM TO DO NOTHING MORE WITH THE INFORMATION ABOUT THE BURGLARY.

2. WAS THE INFORMATION LEGALLY PRODUCIBLE UNDER THE BRADY RULE?

3. EVEN IF, IN THE STRICT SENSE, THE INFORMATION WAS NOT LEGALLY PRODUCIBLE, WOULD NOT A DISCLOSURE OF THIS INFORMATION AT A LATER DATE CAUSE AN EVEN MORE SEVERE PUBLIC REACTION THAN TO DISCLOSE THE INFORMATION NOW?

MR. PETERSEN ASKED HIMSELF WHAT HE WOULD DO IF THIS WAS A LESS IMPORTANT CASE AND FINALLY DECIDED THE INFORMATION HAD TO BE TURNED OVER TO THE COURT.

ON APRIL 25 MR. PETERSEN DISCUSSED THE BURGLARY WITH ATTORNEY GENERAL KLEINDIENST. HE TOLD MR. KLEINDIENST HE HAD A REAL PROBLEM AND DID NOT KNOW WHAT TO DO WITH IT, EXPLAINING THAT WHILE NOT STRICTLY RELATED TO WATERGATE IT DID ARISE OUT OF THAT INVESTIGATION. LATER THE SAME DAY, THE ATTORNEY GENERAL REQUESTED AN OPINION FROM THE SOLICITOR GENERAL ON THE PROBLEM, EXPRESSED IN HYPOTHETICAL TERMS.

END PAGE FOUR

PAGE FIVE

THE SOLICITOR GENERAL, SHARING MR. PETERSEN'S VIEW, SAID THE MATTER WAS PRODUCIBLE. MR. PETERSEN WAS NOT PRESENT DURING THE DISCUSSION WITH THE SOLICITOR GENERAL.

MR. KLEINDIENST AND MR. PETERSEN BOTH CONCLUDED THE MATTER MUST BE BROUGHT AGAIN TO THE ATTENTION OF THE PRESIDENT. IF THE PRESIDENT DID NOT AUTHORIZE DISCLOSURE TO THE COURT BOTH MR. KLEINDIENST AND MR. PETERSEN DETERMINED THEY WOULD SUBMIT THEIR RESIGNATIONS. MR. PETERSEN GAVE THE ATTORNEY GENERAL COPIES OF THE SILBERT AND MARONEY MEMORS.

THE ATTORNEY GENERAL CONSULTED WITH THE PRESIDENT ON APRIL 25, RETURNED TO THE DEPARTMENT OF JUSTICE AND TOLD MR. PETERSEN THE PRESIDENT AGREED THE MATTER SHOULD BE MADE KNOWN TO THE COURT. MR. PETERSEN THEN AUTHORIZED DISCLOSURE AND THE INFORMATION WAS SENT TO MR. DAVID NISSEN, THE GOVERNMENT'S PROSECUTOR IN THE ELLSBERG CASE. MR. NISSEN RECEIVED THE INFORMATION ABOUT THE BURGLARY APRIL 26.

END

MSY ACK 3 FBIHQ

cc - Gerhardt

Assistant Attorney General
Criminal Division
Attention: Edward S. Christenbury, Chief
Civil Litigation Unit
Acting Director, FBI

June 14, 1973

EX-103

REC-29

65-77060-4438

DANIEL ELLSBERG, ET AL., VS
JOHN N. MITCHELL, ET AL.
DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA
CIVIL ACTION NUMBER 1879-72

1 - Mr. Eardley
1 - Mr. J. L. Williamson
1 - Mr. W. A. Harwood
1 - Mr. T. J. Smith
1 - Mr. J. R. Wagoner

Reference is made to Departmental memorandum dated June 12, 1973.

Pursuant to the request in referenced memorandum, single copies of the following documents are enclosed:

- (1) The authorizations for the electronic surveillance (elsur) coverage of [REDACTED] and [REDACTED]
- (2) Supporting memoranda related to the authorization for elsur coverage of [REDACTED] and [REDACTED]
- (3) The logs of overhears of Daniel Ellsberg on the elsur of [REDACTED] for the dates of August 30, 1969, March 25, 1970, May 9, 1970, November 11, 1970, November 21, 1970, and November 22, 1970
- (4) The logs of the overhears of Daniel Ellsberg on the elsur of [REDACTED] for the dates of September 27, 1970, and November 27, 1970
- (5) All logs of the elsur of [REDACTED] from December 1, 1970, through February 9, 1971 5-WAP

In the event disclosure of the information set forth in the enclosures becomes necessary, it is suggested that The White House be consulted since the elsur coverage involved was instituted at the request of The White House. In addition, should it become necessary to disclose the information to the plaintiffs or their attorneys, it is requested that all the information appearing on the enclosures which does not relate to the plaintiffs be excised.

Enclosures 83

JRW:mlr/plh

4 JUL 1973

TELETYPE UNIT

ROUTE IN ENVELOPE

SEE NOTE PAGE TWO

C.E. ENRIET

Felt _____
Baker _____
Callahan _____
Cleveland _____
Conrad _____
Gebhardt _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Soyars _____
Thompson _____
Walters _____
Rosen _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Soyars _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Assistant Attorney General
Criminal Division

NOTE:

On 9/19/72 Daniel Ellsberg, Et Al, filed a civil suit in the District of Columbia against former Attorney General John N. Mitchell, former Acting Director L. Patrick Gray III, and others seeking wiretap information. In view of recent recovery of electronic surveillance (elsur) information from The White House, a memorandum was furnished to the Department dated 5/31/73 advising of the existence of certain overhears on Daniel Ellsberg, as well as the existence of elsur coverage on [REDACTED] who is a plaintiff in the suit. As a result of this memorandum, we have now received the request from the Department for copies of supporting documents related to the overhears and electronic coverage.

1 - Mr. Eardle
1 - Mr. Gebhardt

Intelligence Division

INFORMATIVE NOTE

Date 6/12/73

ELLSBERG CASE

Attached, from WFO, sets out results of interview of Assistant Attorney General (AAG) Henry E. Petersen in regard to his knowledge of sequence of events covering transmittal of information about burglary of Dr. Lewis Fielding's office from Earl Silbert, U.S. Attorney's Office, to Judge Byrne in Los Angeles. Sequence involved learning of information from Silbert on 4/16/73 that John Dean or his attorneys had indicated "Hunt and Company" had burglarized Fielding's office; receipt of memorandum regarding burglary from Silbert and issuing of instructions to Deputy AAG Kevin Maroney to check information out and determine if FBI had any evidence which might have emanated from such a source; discussion of burglary with President Nixon after call from President regarding "Watergate matters," who instructed him not to have anything to do with matter indicating "That is a national security matter and I know about it"; receipt of memorandum, 4/19/73, indicated that FBI and Department files were negative and opinion of Mr. Maroney that in legal context information about burglary was not producible under the rule in Brady vs. U.S. Mr. Petersen considered the matter

LEB:mlr

CONTINUED - OVER

4438

and decided information had to be turned over to court. He discussed matter with Mr. Kleindienst. Mr. Kleindienst requested opinion from Solicitor General (SG) on problem expressed in hypothetical terms. SG said matter was producible. Attorney General discussed matter with President, and the President agreed that matter should be made known to the court. Information about the burglary was received by the Government prosecutor, Mr. David Nissen, 4/26/73.

Our files show that on 4/18/73 Mr. Maroney advised us that AAG Petersen had received information from a source unknown to Maroney that Liddy and Hunt had allegedly burglarized offices of Ellsberg's psychiatrist. We advised Mr. Maroney that the FBI had no knowledge of such activities and knew of no lead material emanating from such activity being furnished to the FBI.

We are directing our Washington Field Office to reinterview AAG Petersen to clarify his statement that when he advised President Nixon on 4/18/73 of the burglary of the psychiatrist's office, the President instructed that Mr. Petersen not to have anything further to do with the matter and said "That's a national security matter and I know about that." Then, according to the report of the interview, AAG Petersen said the President did not specifically say he knew about the burglary.

We are also directing Washington Field to interview Mr. Maroney, former Attorney General Kleindienst, and the Solicitor General to corroborate AAG Petersen's interview.

Speci Prosecutor Archibald Cox, who requested interview of AAG Petersen, is being furnished results as set out in attached.

Our instructions to Washington Field Office will be held in abeyance pending approval of the Acting Director.

LFB

EM

used

FK

[Handwritten signature]

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller

FROM : F. S. Putnam

SUBJECT: DANIEL ELLSBERG

- 1 - Mr. Eardley (E)
- 1 - Mr. E.S. Miller

DATE: 6/14/73

- 1 - Mr. Harwood
- 1 - Press Office
- 1 - Mr. T.J. Smith
- 1 - Mr. J.R. Wagoner

Mr. Felt _____
 Mr. Baker _____
 Mr. Callahan _____
 Mr. Cleveland _____
 Mr. Conrad _____
 Mr. Gebhardt _____
 Mr. Jenkins _____
 Mr. Marshall _____
 Mr. Miller, E.S. _____
 Mr. Soyars _____
 Mr. Thompson _____
 Mr. Walters _____
 Tele. Room _____
 Mr. Baise _____
 Mr. Barnes _____
 Mr. Bowers _____
 Mr. Herington _____
 Mr. Conny _____
 Mr. Mintz _____
 Mr. Eardley _____
 Mrs. Hogan _____

BOB WOODWARD and CARL BERNSTEIN

Attached is "The Washington Post" article, issue 6/14/73, entitled "'71 Wiretaps on Ellsberg, Press Bared," by [REDACTED], alleging The White House received information in 1971 from previously undisclosed wiretaps on the telephones of Daniel Ellsberg and former "New York Times" reporters Neil Sheehan and [REDACTED]

TAP 5201C CS201C

Review of Bureau special indices reveals that Ellsberg, Sheehan and [REDACTED] were never the subjects of direct telephone surveillances conducted by the FBI. As previously reported, Ellsberg was the subject of 15 overhears on telephone taps installed at the request of The White House on [REDACTED]. These overhears were during the period 8/30/69 through 11/27/70.

It is noted the third paragraph from the end of the article states "FBI sources insisted this week that the bureau has no information on the Ellsberg, Sheehan and [REDACTED] taps. The FBI normally conducts all domestic wiretapping for the government." A check with the Press Services Office revealed that office has not made any statements to the press as indicated in this article.

ACTION:

None. For information.

65-74060

JRW:wmc lonic
(7)

REC-29

EX-103

21 JUL 9 1973

ENCLOSURE

ROUTE IN ENVELOPE

84 JUL 12 1973

71 Wiretaps On Ellsberg, Press Bared

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writer

The White House received information in 1971 from previously undisclosed wiretaps on the telephones of Pentagon Papers defendant Daniel Ellsberg and former New York Times reporters Neil Sheehan and Tad Szulc, according to informed government sources.

Despite repeated demands by the judge in Ellsberg's trial that the government inform the court of any electronic surveillance of Ellsberg, the tap on his telephone was never disclosed.

The sources said that federal investigators are attempting to determine who ordered and executed the three wiretaps and why the judge was never informed of the Ellsberg surveillance. FBI records show no evidence of the existence of the three taps, the sources said.

According to the sources, the White House special investigations unit known as "the plumbers" regularly received transcripts from the taps on Ellsberg, Sheehan and Szulc for at least several months during 1971.

Members of the special unit, which was created by direct order of President Nixon, included E. Howard Hunt Jr. and G. Gordon Liddy, who were later convicted in the Watergate bugging conspiracy and who also supervised the burglary of Ellsberg's psychiatrist's office.

Transcripts from the Ellsberg tap, which was installed on his home telephone, were received at the White House as early as May, 1971, according to government sources. That is a month before The New York Times printed the Pentagon Papers, which Ellsberg had provided to Times reporter Sheehan several months earlier.

It is also a month before the White House has said "the plumbers" were formed to investigate leaks to the

Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ✓
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

newspaper
articles

Putman

The Washington Post Times Herald A-1
The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

Date 6-11-71

65-14060-4439

ENCLOSURE

11/13 memo to E. J. [unclear]
from FS Putman
6/14/72 [unclear]

71 Wiretaps on Ellsberg, Press Bared

WATERGATE, From A1

fore the publication of the Pentagon Papers in the press. It has been reported previously that the FBI was investigating Ellsberg before publication of the papers.

One Justice Department source said that the White House "plumbers" also received some reports based on physical surveillance of Ellsberg's movements.

Although the White House has said publication of the Pentagon Papers in June, 1971, led to formation of "the plumbers," two White House aides—Egil Krogh Jr. and David Young—already were involved in an investigation of Ellsberg in May, according to government sources.

Krogh and Young both supervised the activities of "the plumbers," and reported to John D. Ehrlichman, then President Nixon's principal deputy for domestic policies. A spokesman for Ehrlichman said yesterday that Ehrlichman had no knowledge of wiretaps on Ellsberg, Sheehan or Szule.

One source familiar with the work of "the plumbers" said that the unit "was getting daily reports on Ellsberg's home phone conversations for at least four months in 1971."

The transcripts routed to the White House from the taps of reporters Sheehan and Szule were less regular and extended over a period of several months in 1971, according to two government sources.

The Sheehan and Szule taps raise to at least seven the number of reporters allegedly tapped by the Nixon administration.

Previously, the FBI disclosed that four reporters were among 17 persons tapped from May, 1969, to February, 1971. Reliable government sources identified the four as New York Times reporters William Beecher and Hedrick Smith; Sunday

London Times reporter Henry Brandon; and CBS reporter Marvin Kalb.

In addition, government sources have said that former White House aide John J. Caulfield, a former aide to Ehrlichman, tapped the telephone of syndicated columnist Joseph Kraft in 1969.

Government sources said investigators are having difficulty tracking down information on the Ellsberg, Sheehan and Szule taps. One source said: "It was at a time (1971) when both Caulfield and 'the plumbers' were operating... we have to check both. Then there is the possibility that it was another vigilante or free-lance operation of former (government) agents."

The Pentagon Papers case against Ellsberg was dismissed last month after it was revealed that the government had intercepted several of Ellsberg's conversations when he used the telephone of Morton H. Halperin, one of the 17 government taps.

The transcripts of these conversations were discovered in Ehrlichman's White House safe by the FBI last month although the prosecutors in the Ellsberg case had insisted that there were no government wiretaps of Ellsberg's conversations.

Halperin is a former aide to White House foreign affairs adviser Dr. Henry A. Kissinger. According to government sources, Kissinger at least indirectly ordered the taps on some of his staff members who could have possibly leaked highly classified material.

The federal sources said that they are unable to relate the Ellsberg, Sheehan and Szule taps to the 17 taps that President Nixon said were "terminated" in February 1971, because the sources said they have information showing specifically that the three taps were in effect after February, 1971.

Last month, when acting FBI Director William D. Ruck-

elshaus released a public statement on the missing records of the 17 wiretaps, he specifically said that "four were placed on newsmen as the potential recipients of leaks and 13 on government employees."

FBI sources insisted this week that the bureau has no information on the Ellsberg, Sheehan and Szule taps. The FBI normally conducts all domestic wiretapping for the government.

In his May 22 statement on the domestic security operations of the White House, President Nixon made reference to the 1969-1971 wiretaps

by saying that "fewer than 20 taps of varying duration were involved," thus specifically limiting the number to 20 as reported by Ruckelshaus.

The President also said that the publication of the Pentagon Papers beginning on June 18, 1971, posed a threat so grave as to require extraordinary actions. Therefore during the week following the Pentagon Papers publication, I approved the creation of a special investigations unit within the White House—which later came to be known as 'the plumbers.' "

FBI to Probe Report of Tap on Ellsberg Phone

By Joy Aschenbach

Star News Staff Writer

Acting FBI Director William D. Ruckelshaus said today that the FBI will investigate published reports that Daniel Ellsberg's telephone was tapped in 1971 and that information from the tap was supplied to the White House.

Ruckelshaus said in an interview that he did not know there were such taps, but had made it a policy to investigate all allegations in the newspapers.

Ruckelshaus said he was certain that the taps had not been authorized by the Justice Department or FBI because at the time that 17 other wiretaps were dis-

closed last month, he ordered an inquiry to uncover all such instances of electronic surveillance.

The probe, he said, turned up no other cases except the 17 national security wiretaps on government officials and newsmen.

The Washington Post, quoting government sources, reported today that

the federal investigators are seeking to determine who authorized the taps on Ellsberg's phone and the phones of two former New York Times reporters, Neil Sheehan and Ted S. Sule.

Transcripts of the taps on Ellsberg were sent to the White House as early as May 1971, a month before the Times began publishing

the Pentagon Papers, the Post said. While it has been reported previously that the FBI was looking into Ellsberg before the publication of the secret papers, today's disclosure is the first indication of White House interest at this early date, according to the Post.

During court proceedings as the Pentagon Papers

trial, the Justice Department and the FBI had stated that Ellsberg's phone had not been tapped by federal authorities, although he was overheard when he once used the tapped phone of Morton H. Halperin, a former official of the National Security Council.

ELLSBERG could not be reached for comment about this latest disclosure. Charges against him and co-defendant Anthony Russo were dismissed last month after it was revealed that he had been heard on the tapped telephone and that his Los Angeles psychiatrist's office had been broken into by persons acting on behalf of White House officials.

The federal investigators, according to the Post, are attempting to find out whether reports on the new wiretaps were turned over to the "plumbers" a secret White House group set up to investigate "leaks" of national security information to the news media.

Sheehan, who was the principal Times reporter involved in the publication of the Pentagon Papers, is in Vietnam.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The Washington Post
Times Herald _____

The Evening Star (Washington) _____

The Sunday Star (Washington) _____

Daily News (New York) _____

Sunday News (New York) _____

New York Post _____

The New York Times _____

The Daily World _____

The New Leader _____

The Wall Street Journal _____

The National Observer _____

People's World _____

Date

JUN 14 1973

FINAL EDITION

JRW

ENCLOSURE

2-16

4431

Szule said last night that he has never been questioned by any federal investigators about the possibility that his phone was tapped.

SZULC, NOW a freelance writer, said that when he

worked for the Times covering stories involving national security matters, he often suspected that his phone may have been tapped, but said he never had any tangible evidence of it.

Meanwhile, Halperin, whose home telephone was tapped by the Nixon administration for about 25 months during 1969-71, filed suit in federal court here today asking \$100 a day in damages for each day of the tap.

The amount Halperin, his wife, Ina, and his three children are seeking is the amount specified in the 1968 Omnibus Crime Control and Safe Streets Act as a fine for illegal wiretapping.

The suit charged that the tapping of Halperin's home phone — which lasted for 21 months after he left the National Security Council staff in September 1969 — was illegal under the statute because no court order was obtained in advance.

THE SUIT names as defendants Henry A. Kissinger, the President's national security adviser; former White House aides H. R. Haldeman and John D. Ehrlichman; Alexander Haig, Kissinger aide and now White House chief of staff, former Atty. Gen. John N. Mitchell; William C. Sullivan, former assistant to the late FBI Director J. Edgar Hoover; acting FBI Director William D. Ruckelshaus; the Chesapeake & Potomac Telephone Co.; and unnamed agents of the FBI and other government agencies.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Miller *Emphatic*
FROM : F. S. Putman
SUBJECT: DANIEL ELLSBERG

DATE: 6/19/73

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, ESK ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Attached is "The Evening Star" article, issue 6/14/73, which sets forth statements attributed to the Acting Director that the FBI will investigate published reports that Daniel Ellsberg's telephone was tapped in 1971 and that information from the tap was supplied to the White House. The article also referred to telephone taps on the phones of two former New York Times reporters, Neil Sheehan and [REDACTED]. The following is to record a telephonic discussion about these alleged wiretaps with [REDACTED] an aide to Special Prosecutor Archibald Cox, by [REDACTED] on 6/18/73.

[REDACTED] was informed that Ellsberg, Sheehan and [REDACTED] were never the subjects of direct telephonic surveillances conducted by the FBI. He was reminded of prior information which surfaced at the trial of Ellsberg that Ellsberg had been overheard on telephone taps installed at the request of the White House on [REDACTED] and [REDACTED] and further that these overhears were during the period 8/30/69 through 11/27/70. (First and last dates of Ellsberg overhears.)

In view of recent press reports that Mr. Cox was attempting to obtain access to certain White House material including diaries, logs and files, [REDACTED] was asked if there was any reason to believe that this White House material would verify the existence of the alleged wiretaps on Ellsberg, Sheehan and [REDACTED]. He advised he had no reason to believe this material would shed any light on the existence of these wiretaps and further was not certain that the Special Prosecutor's Office was going to be able to obtain the material. [REDACTED] stated he would be in a better position to advise as to whether the material would be made available toward the end of this week.

It was [REDACTED] recollection that [REDACTED], a former New York City police detective, in connection with testimony before the Watergate Grand Jury may have admitted being involved in electronic eavesdropping on a newspaper reporter by the name of [REDACTED].

Enclosure

1-Mr. Eardley
1-Mr. Miller
1-Mr. Wagoner

84 JUL 13 1973 (4)

(CONTINUED - OVER)

Memorandum to Mr. Miller
Re: DANIEL ELLSBERG

██████████ inquired as to the current status of our ██████████ investigation into the burglary of Ellsberg's psychiatrist office. He was informed that a comprehensive report setting forth results of inquiries to date had been completed and would be furnished Mr. Cox's office expeditiously. ██████████ stated subsequent to his review of this report he desired to have a conference with SA ██████████ to determine any additional avenues of investigation into the Ellsberg matter including the alleged wiretaps referred to in the Evening Star newspaper article mentioned above.

ACTION:

The aforementioned report is being furnished Mr. Cox's Office by separate communication. If you approve, a conference will be arranged with ██████████ at such time as he desires for the purposes mentioned above.

plw

OK
Cox

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Eardley

FBI to Probe Report of Tap on Ellsberg Phone

By Joy Aschenbach

Star-News Staff Writer

Acting FBI Director William D. Ruckelshaus said today that the FBI will investigate published reports that Daniel Ellsberg's telephone was tapped in 1971 and that information from the tap was supplied to the White House.

Ruckelshaus said in an interview that he did not know there were such taps, but had made it a policy to investigate all allegations in the newspapers.

Ruckelshaus said he was certain that the taps had not been authorized by the Justice Department or FBI because at the time that 17 other wiretaps were dis-

closed last month, he ordered an inquiry to uncover all such instances of electronic surveillance.

The probe, he said, turned up no other cases except the 17 national security wiretaps on government officials and newsmen.

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the federal investigators are seeking to determine who authorized the taps on Ellsberg's phone and the phones of two former New York Times reporters, Neil Sheehan and Tad Szulc.

Transcripts of the taps on Ellsberg were sent to the White House as early as May 1971, a month before the Times began publishing

the Pentagon Papers, the Post said. While it has been reported previously that the FBI was looking into Ellsberg before the publication of the secret papers, today's disclosure is the first indication of White House interest at this early date, according to the Post.

During court proceedings as the Pentagon Papers trial, the Justice Department and the FBI had stated that Ellsberg's phone had not been tapped by federal authorities, although he was overheard when he once used the tapped phone of Morton H. Halperin, a former official of the National Security Council.

ELLSBERG could not be reached for comment about this latest disclosure. Charges against him and co-defendant Anthony Russo were dismissed last month after it was revealed that he had been heard on the tapped telephone and that his Los Angeles psychiatrist's office had been broken into by persons acting on behalf of White House officials.

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Sheehan, who was the principal Times reporter involved in the publication of the Pentagon Papers, is in Vietnam.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The Washington Post _____
Times Herald _____
The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

Date

JUN 14 1973

FINAL EDITION

ENCLOSURE

Szulc said last night that he has never been questioned by any federal investigators about the possibility that his phone was tapped.

SZULC, NOW a freelance writer, said that when he

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THE SUIT names as defendants Henry A. Kissinger, the President's national security adviser; former White House aides H. R. Haldeman and John D. Ehrlichman; Alexander Haig, Kissinger aide and now White House chief of staff, former Atty. Gen. John N. Mitchell; William C. Sullivan, former assistant to the late FBI Director J. Edgar Hoover; acting FBI Director William D. Ruckelshaus; the Chesapeake & Potomac Telephone Co.; and unnamed agents of the FBI and other government agencies.

newspaper
article

Mr. Archibald Cox
Special Prosecutor

June 12, 1973

William D. Ruckelshaus
Acting Director, FBI

PLUMBERS OPERATION

CSZULC
As you have been orally informed reports have appeared in the press that Ellsberg, Sheehan and [redacted] the latter two being former newspaper reporters for the New York Times, were the subjects of wiretaps. If there was such surveillance it was not done by the FBI, and we have inquired whether you desire this office to investigate the possibility that such taps were initiated by the so-called plumbers group. Kindly advise.

CE:nm (4)

1 - Mr. Eardley *CS*
(Sent direct)

REC-29 65-74060-4442

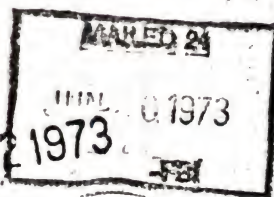
EX-103

21 JUL 9 1973

JPW

65-74060

Felt _____
Baker _____
Callahan _____
Cleveland _____
Conrad _____
Gebhardt _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Soyars _____
Thompson _____
Walters _____
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Baize _____
Barnes _____
Bowers _____
Herington _____
Eardley _____
Hogan _____



MAIL ROOM ☐ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060) DATE: 6/25/73
ATTENTION: INTELLIGENCE DIVISION - CI-3

FROM : SAC, MIAMI (65-3264)(RUC)

SUBJECT: MC LEK

Re Miami airtel, 5/14/73, and MM FD-448 to LA, 6/4/73.

All outstanding leads at Miami in this matter have been covered, and this case is considered RUC.

- 2 - Bureau (RM)
 - 2 - Los Angeles (RM)
 - 1 - Miami
- WWS/dks
(5)

REC-29

EX-103

1447
JUL 9
20 JUN 28 1973

FIVE

F B I

Date:

6/26/73

Transmit the following in _____

(Type in plaintext or code)

Via _____

AIRTEL

(Priority)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, L.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Beise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conny	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

TO: ACTING DIRECTOR, (65-74060)
(ATTENTION: INTELLIGENCE DIVISION)

FROM: SAC, WFO (65-11613)

U.S. vs ANTHONY J. RUSSO, JR.
and DANIEL ELLSBERG

Re Bureau airtel to WFO 6/15/73.

Enclosed for the Bureau are five copies of an FD-302 reporting interview with Assistant Attorney General HENRY E. PETERSEN concerning his knowledge of whether Assistant Attorney General ROBERT C. MARDIAN delivered or authorized delivery of FBI material to the so called Special Investigation Unit of the White House in connection with the ELLSBERG, ITT, Watergate and DONALD SEGRETTI investigations.

REC-29

65-14060-4445

EX-103

21 JUL 9 1973

ENCLOSURE - 5

(2) - Bureau (Enc. 5)
1 - WFO

CAR:djw
(3)

Approved

84 JUL 12 1973

Special Agent in Charge

Sent _____

M

Per _____

FEDERAL BUREAU OF INVESTIGATION

1

6/26/73

Date of transcription

Assistant Attorney General HENRY E. PETERSEN, Criminal Division, Department of Justice, was advised investigation was being conducted at the request of Special Prosecutor ARCHIBALD COX to determine if Departmental officials have information as to whether former Assistant Attorney General ROBERT C. MARDIAN delivered or authorized delivery of any Federal Bureau of Investigation (FBI) information or material to the so-called Special Investigation Unit of the White House commonly referred to as the "Plumbers", specifically in connection with the DANIEL ELLSBERG, Watergate, International Telephone and Telegraph and DONALD SEGRETTI investigations.

Mr. PETERSEN said he has no knowledge former Assistant Attorney General MARDIAN delivered or authorized delivery of FBI information or material to the Special Investigation Unit of the White House in connection with these investigations.

Interviewed on 6/25/73 at Washington, D. C. File # WFO 65-11613
by [REDACTED] and CAR/djw [REDACTED] Date dictated 6/26/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE 6-1 740 60 -4/1

FBI

Date: 6/26/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Sowers	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conway	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTD

FROM: SAC, WFO (65-11613)

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

ReBuairtel to WFO 6/15/73.

Enclosed for the Bureau are 5 copies of an FD 302 reporting a reinterview 6/25/73 with Assistant Attorney General (AAG) HENRY E. PETERSEN to clarify certain information previously furnished by the AAG 6/11/73.

REC-29

65-74060-4446

2 - Bureau (Enc. 5)
1 - WFO

ENCLOSURE

EX-103

21 JUL 9 1973

CAR:jak
(3)

Approved: _____
Special Agent in Charge

Sent _____ MBI Per _____

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/26/73

Assistant Attorney General (AAG) HENRY E. PETERSEN, Criminal Division, Department of Justice, was asked to clarify certain information he previously furnished June 11, 1973 to the Federal Bureau of Investigation (FBI) about a conversation he had with the President April 18, 1973 concerning the alleged burglary of the office of DANIEL ELLSBERG's psychiatrist.

Mr. PETERSEN declined to further discuss information he had already furnished to the FBI. He told the FBI during prior interview everything he could recall about the April 18th conversation with the President concerning the burglary and what he said then still stands. It would be unfair to both the President and to himself in view of the lapse of time to try now to reconstruct in verbatim fashion their conversation. The President did not explain to Mr. PETERSEN what he meant when he told him "that's a national security matter and I know about that", nor did Mr. PETERSEN ask the President for an explanation. Under the circumstances it would be unfair to the President to try now to interpret his comment. The President's purpose at the time was perfectly clear to Mr. PETERSEN - he was telling Mr. PETERSEN to have nothing further to do with the burglary.

When Mr. EARL SILBERT of the United States Attorney's Office reported information to Mr. PETERSEN April 16, 1973 about the burglary, Mr. PETERSEN was acting as the chief Departmental officer having responsibility for the Watergate investigation. Responsibility for any Departmental response to information about the burglary rested entirely with Mr. PETERSEN. He did discuss the specifics of the matter with Deputy Assistant Attorney General KEVIN T. MARONEY and later with Attorney General KLEINDIEN but with no one else within the Department. Mr. PETERSEN's response to the allegation, after personally concluding the

Interviewed on 6/25/73 at Washington, D. C. File # 65-11613
by [REDACTED] and CAR:jak B7C
Date dictated 6/26/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

65 74560 - 1116

WFO 65-11613

2

information should be made known to the Court was to bring the matter to the attention of Attorney General KLEINDIENST April 25, 1973.

Asked if he informed Mr. KLEINDIENST April 25, 1973 of his prior conversation with the President about the burglary, Mr. PETERSEN replied "of course I did - that was the whole purpose after the conversation for KLEINDIENST going to the White House".

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060)

DATE: 6/26/73

FROM : SAC, LOS ANGELES (105-27952) (P)

SUBJECT: MC LEK
CI-3
OO: Los Angeles

Re Washington Field airtel dated 6/21/73.

In order to review records of the Los Angeles Passport Agency, it is necessary to fill out a standard form identifying requesting agency.

In view of the publicity surrounding ELLSBERG the possibility exists FBI continued interest in his travels could be leaked creating additional adverse publicity. In addition, the press is certain to report his foreign travels particularly to Southeast Asia or to an Iron Curtain country.

Unless advised to the contrary by the Bureau, Los Angeles will not contact local Passport Agency in this regard.

SI-111

REC-20

7 JUL 2 1973

J. R. M. [Signature]

FIVE

2- Bureau
2- Los Angeles

RFK/svy
(4)



5010-108

34 JUL 16 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

- Mr. Eardley
1 - Mr. R. E. Gebhardt
1 - Mr. E. S. Miller
1 - Mr. J. J. Dolan
1 - Mr. J. R. Wagoner
July 2, 1973

Mr. Archibald Cox
Special Prosecutor

Acting Director, FBI

BY COURIER SERVICE

REC-29 155-74010-4446

DANIEL ELLSBERG

EX-103

Reference is made to your letter dated May 30, 1973, and my letter dated June 14, 1973, which enclosed the results of an interview of Assistant Attorney General Henry E. Petersen on June 11, 1973.

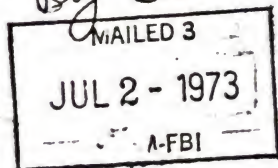
Enclosed are two copies each of two FD-302s setting forth the results of a reinterview of Mr. Petersen on June 25, 1973.

Enclosures (4)

JRW:klj
(8)

NOTE:

Reinterview of Mr. Petersen was previously approved by the Acting Director. The primary purpose of the reinterview was an attempt to clarify Mr. Petersen's statement of June 11, 1973, that when he advised President Nixon on April 18, 1973, of the burglary of Ellsberg's psychiatrist's office The President instructed that Mr. Petersen not have anything further to do with the matter and said "That's a national security matter and I know about that."



Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Sizemore _____
Mr. Callahan _____
Mrs. Hogan _____

MAIL ROOM ☐

TELETYPE UNIT ☐

84 JUL 12 1973

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WEL

SPW

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. M. Felt

FROM : E. S. Miller

SUBJECT: BEACON PRESS INVOLVEMENT IN THE
PUBLISHING OF THE "PENTAGON PAPERS"

1 - Mr. Eardley

DATE: 6/13/73

1 - Mr. E. S. Miller
1 - Mr. W. R. Wannall
1 - Mr. J. R. Wagoner

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baine
Mr. Barnes
Mr. Boyer
Mr. Herington
Mr. Conny
Mr. Mintz
Mr. Eardley
Mrs. Hogan

A memorandum dated 6/12/73 from the Acting Director to the Attorney General made reference to Senator Lowell P. Weicker, Jr., and his interest in a claim that the FBI harassed the Beacon Press in connection with its publication of the Pentagon Papers. The following are the facts relative to FBI action taken in connection with the publication of the Pentagon Papers by the Beacon Press.

On 6/29/71 at an impromptu committee meeting on Capitol Hill, Senator Mike Gravel of Alaska read portions of the Pentagon Papers. He subsequently made these papers available to the Beacon Press through [redacted] who at the time according to Gravel, was an employee of his staff. The Senator Gravel edition of the Pentagon Papers was subsequently published in a four-volume copyright edition by Beacon Press.

The Assistant Attorney General (AAG), Internal Security Division, advised by letter 10/13/71 that he had received information on a confidential basis from former [redacted] that according to Daniel Ellsberg, Gravel was paid for the copy of the Pentagon Papers furnished to Beacon Press. The AAG said that [redacted] also learned from a source, whose name he could not recall, that Gravel was paid about \$15,000 by Beacon Press. This figure was later changed to \$125,000. The AAG requested that an attempt be made to determine if in fact Gravel had received payment.

Accordingly by teletype dated 10/21/71, the Boston Office was instructed to attempt to check bank records of Beacon Press, through established sources only, in an effort to determine if there was any basis for the allegation.

65-74060

JRW:dln
(5)

ENCLOSURE

EX-117

REC-39

CONTINUED - OVER

74060-44525

84 JUL 16 1973

Memorandum to Mr. W. M. Felt
Re: Beacon Press Involvement in the
Publishing of the "Pentagon Papers"
65-74060

Since it was determined that such an inquiry could^{not}/assuredly be kept confidential, a subpoena was issued through the Boston Grand Jury, which was hearing matters related to the release of the Pentagon Papers to the New York Times, in an effort to obtain the information requested by the AAG. This subpoena was subsequently withdrawn.

The Unitarian Universalist Association, which is the parent organization of Beacon Press, subsequently filed a civil suit on 1/11/72 in U. S. District Court for the District of Massachusetts seeking a temporary restraining order, a preliminary and permanent injunction against the United States Attorney, certain Departmental attorneys and the Special Agent in Charge of the Boston Office of the FBI prohibiting production of all originals and copies of records of the account of the Unitarian Universalist Association in the hands of the New England Merchants National Bank of Boston. On 1/17/72, a Federal judge declined to hear the suit on the grounds that no subpoena had been served for bank records. However, the suit was not officially dismissed.

Answers to allegations set forth in the complaint as they pertained to the FBI were furnished the AAG, Internal Security Division, by letter 7/19/72. The answers to the complaint were filed by the Government on 8/2/72. As of 6/5/73, Departmental Attorney Benjamin Flannigan advised the Office of Legal Counsel that the plaintiffs in the suit had not pursued matters and probably would not unless the Government made further efforts to obtain the bank records.

ACTION:

None. For information.

Jew

WDF

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WDF

UNITED STATES

GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (157-9153)

DATE: 6/13/73

FROM : SAC, LOS ANGELES (157-2352) (P)

SUBJECT: LOCALLY PUBLISHED MATERIAL
OPPOSING CIVIL DISOBEDIENCE
RESEARCH MATTER

For the Bureau's information there are enclosed two Xerox copies of a press release issued by the office of California State Assemblyman FLOYD L. WAKEFIELD, Suite 229, 7340 East Florence, Downey, California 90241.

As the Bureau will note, the press release, which is captioned, "THE WATERGATE AFFAIR AND THE PENTAGON TRIAL," is laudatory in its praise of the FBI on page five (5); and is critical of "revolutionaries" such as DANIEL ELLSBERG, TONY RUSSO, JANE FONDA, and those affiliated with the Peace Action Council, who have promoted civil disobedience.

ENCLOSURES TO BUREAU:

2 Xerox duplications of above-described press release.

Mr. Tolt	
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Rm.	
Mr. Holmes	
Miss Gandy	
Mr. Conroy	
Mr. Eardley	
Mr. Hogan	

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- ② - Bureau (Encls. 2) (RM)
2 - Los Angeles (157-2352)
1 - LA 139-306 (J.W. McCORD)

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JUL 10 1973

8 JUL 17 1973

Wakefield
paper

FOR RELEASE
JUNE 11, 1973

THE WATERGATE AFFAIR
AND
THE PENTAGON TRIAL

By Assemblyman Floyd L. Wakefield

The Pentagon Trial which lasted for 89 days at a tremendous cost to the taxpayers was dismissed by Judge Matt Byrne! ".... The government's action in this case," he said, "offended a sense of justice, and so I have decided to declare a mistrial and grant the motion for dismissal...."

What gives a judge the right to dismiss a case which could destroy the national security and deprive patriotic American citizens the right to life, liberty and the pursuit of happiness? The only issue which should have been before the courts was the "acknowledged theft" of "top secret" Pentagon documents. Not too long ago in the history of this nation, the Rosenbergs were executed for stealing top security documents which were given to the enemy. The Pentagon Papers classified as "top secret documents" were removed from their files without permission, copied, distributed to the enemy, and even published in book form and sold to the public.

The American people have the right to know the facts. Were Tony Russo and Daniel Ellsberg affiliated in any way with the Revolution which has been sweeping our nation? Why were they permitted to take "top security documents" and avoid prosecution? On one hand, we see those involved in the Watergate Affair being prosecuted and condemned publicly by the Senate Investigating Committee and the news media, yet we have the Pentagon Trial.

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ENCLOSURE

dismissed because the governmental action "offended a sense of justice."

The Pentagon Papers were used by the Revolutionaries to create unrest throughout this nation. On May 19, 1972, a rally was held at the Unitarian Church, 2936 West Eighth Street, Los Angeles, California. The program flyer said, "An Evening with Vietnamese Students" featuring Jane Fonda, Anthony Russo, Carol Feraci and Ruthie Gorton.

Sounds innocent, doesn't it?

Yet, Jane Fonda and Tony Russo used this meeting to spew their propaganda against the United States and they said, "Vietnam belongs to the people and the Revolutionary movement. We are flexible for our own peace plan but not Mr. Nixon's." During the meeting a young girl rose from the audience and sang, "Ho, Ho, Ho Chi Minh." Many from the audience joined with her in this song and when she finished they gave her a standing ovation. The church walls had posters with anti-war propaganda. One poster said, "It is the American people who have been deceived as the Pentagon Papers show for the past 25 years. . . ." These people used "top secret" documents as their tools of propaganda.

Another poster said, "The ugly heat of the Nixon ground war strategy has been an increased 'pacification' program." This was an "anti-war" and an "anti-Nixon" rally sponsored by the same old Revolutionary groups, the Peace Action Council, Valley Peace Center, Southern California Women Strike for Peace and others.

According to the recent calendar of events of the Peace Action Council, Tony Russo and Daniel Ellsberg will be honored June 16th, at the same Unitarian Church in Los Angeles, California, where many anti-war programs have been held...Instead of singing praise to our God they permit Revolutionaries to sing praise to

~~the~~ Communists. Does this church enjoy the tax exempt status? The Peace Action Council has been in the forefront of mass demonstrations, not only against President Nixon, but former President Lyndon Johnson. In their latest newsletter, PAC has outlined a new approach through "Impeachment Centers".

On September 27, 1972, a rally was held at U.C.L.A., Janss Steps, featuring Tony Russo, Jon Voight, Vietnamese students. The flyer distributed said, "Stop Nixon - demonstrate September 27th - Century Plaza Hotel - 6:00 p.m." Many such rallies were held throughout this nation.

Yet, at the dismissal of the Ellsberg and Russo Trial, Daniel Ellsberg was asked if he would disclose the Pentagon Papers again, and he said, ". . . I would do it tomorrow, if I could do it."

The government charged Russo and Ellsberg with violating the espionage laws because they disclosed information classified as "top secret" from the Pentagon Papers. The rallies held throughout this area alone made heroes out of these people and Jane Fonda was heading the list, greeting the Revolutionaries with her usual anti-American statements.

These rallies are open to the public and anyone who is interested in preserving this nation was free to attend - to find out firsthand if a revolution was in progress. The main theme behind all of the rallies was to discredit President Nixon and former President Lyndon Johnson, along with the war in Southeast Asia. I am convinced that this radical group, including Tony Russo, Daniel Ellsberg and Jane Fonda, have won a major victory by the dismissal of the trial. This was evident as Daniel Ellsberg appeared before the Senate Committee which is supposedly investigating the Watergate

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incident. Why would such a committee even consider the testimony of a man who admittedly took the "top secret" Pentagon Papers, copied them and then proceeded to distribute them openly?

There have been many times that I have disagreed with the President. But I believe we are losing sight of the real issue before us at this time. A revolution has been sweeping this nation for some time and the radicals are becoming more and more brazen in their tactics and their anti-American statements.

I do not condone the illegal acts which led to the Watergate Affair. Neither do I condone the stealing of "top secret documents", the bombings, the blowing up of ammunition trains, the sabotage, treason, and the slaughter of law enforcement officers, etc. Neither do I condone the visits to Hanoi by Jane Fonda and Ramsey Clark and their statements which delayed the release of our tortured P.O.W.'s. Where was our illustrious Senate Committee on these issues? Many of these same Senators sat on their hands as Senator Ted Kennedy from Massachusetts was involved in an incident which cost the life of a young woman. Here was a Senator, one of a hundred representatives of the United States, who was provided a "private" court hearing -- yet, no minority, no black, brown, poor white, etc., would ever be granted this privilege in an incident where a mysterious death has occurred. Many of these same Senators sat by quietly while our House Committee on Un-American Activities became inactive, appropriations diminished for the Internal Security Committee, and crime soared in the United States. They did not bother to investigate the disputed 1964 election between Nixon and Kennedy, or the "break-in" of Senator Goldwater's headquarters when he ran for President.

Now they have a scapegoat in the Watergate Affair and between

the Senators and some of our commentators you would think the United States is falling apart. Corruption in government is not aligned with any particular political party. Corruption in government comes from the individual politician who will sell his soul and your freedoms for power.

I am beginning to question the motives of those who broke into the McGovern headquarters. Supposedly intelligent men planned an illegal act, and for what purpose? To lose on such a plot would undoubtedly bring shame and disgrace to this nation. Was this a deliberate attempt to discredit and to destroy a great political party? Was this their motive?

I am concerned that attempts are being made to discredit the F.B.I., the most respected government organization in America. It seems that the lifetime work of J. Edgar Hoover has been challenged. This has been the goal of the Communists for years - to weaken and to destroy every vestige of national security and the integrity of the F.B.I.

The Watergate Affair is not finished, but the results could bring this nation and her people closer together.

The people have permitted corruption in government, not only in Washington, D.C., but also here in California where we have men serving in office who violated the Constitution by not adhering to the one year residency requirement. Yet, the majority of the legislators voted to seat them -- despite the law.

Maybe the Watergate Affair will bring to light the many inequities which exist in our campaign laws, and the need to investigate treason against our form of government. I am tired of listening to the Revolutionaries shout that America is "pro-war" and the Communists want peace. Concerned Americans know, "When

Communist peace is achieved, our resistance is gone." Maybe the people and the elected officials will realize that this nation, to survive, must return to the principles upon which America was founded -- One Nation Under God.

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Airtel

1 - Mr. R.E. Gebhardt
1 - Mr. E.S. Miller

7/10/73

1 - Mr. Wagoner

To: SAC, Los Angeles (Enclosures - 2)

From: Director, FBI

DANIEL ELLSBERG
(BURGLARY OF DR. LEWIS J. FIELDING'S OFFICE)

Enclosed are two copies of a memorandum dated 7/9/73 received from the Special Prosecutor's office requesting additional investigation in connection with the burglary of Ellsberg's psychiatrist.

Los Angeles expeditiously initiate investigation as requested in the enclosed memorandum. Any leads developed from investigation should be set forth by teletype. Results of all investigation should be submitted by LHM suitable for dissemination to the Special Prosecutor's office.

All persons interviewed should be advised that the investigation is being conducted at the specific request of the Special Prosecutor's office.

JRW:tdp (6)

NOTE:

During 9/71 the office of Daniel Ellsberg's psychiatrist was burglarized by the so-called "Plumbers." By memorandum 7/9/73 Special Prosecutor's office has requested telephone records of the Beverly Hilton Hotel be reviewed in an effort to obtain telephone calls placed from the hotel by G. Gordon Liddy and E. Howard Hunt, Jr., as well as Bernard Barker, Felipe de Diego and Eugenio Martinez. Memorandum supplied possible alias used by these individuals. In addition, the Special Prosecutor's office requested that individuals called by these persons be identified and interview regarding their knowledge of the burglary with the exception of Egil Krogh, David Young and other White House or former White House personnel.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Gandy _____
Mr. Holloman _____

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